

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION) CASE NO. 1:17 MD 2804
OPIATE LITIGATION)
) JUDGE DAN AARON POLSTER
Applies to:)
All Cases) OPINION AND ORDER
_____)

On October 29, 2018, Manufacturer Defendants filed a Motion to Compel Immediate and Full Compliance with Discovery Ruling No. 5. **Doc #: 1066** (“Motion” or “Motion to Compel”). Therein, the Moving Defendants challenged Plaintiffs’ alleged equivocal and evasive responses to Interrogatory Nos. 6, 7 and 10 as violative of Discovery Rule No. 5. *Id.*

On November 1, 2018, Plaintiffs filed a Memorandum in Opposition to the Motion to Compel, arguing that the Moving Defendants filed the Motion before bothering to meet and confer, or in any way seek to raise or resolve their concerns short of motion practice. Doc #: 1071. Plaintiffs also argue that the Motion is premature because it is based on unwarranted assumptions about the scope of the answers Plaintiffs intend to provide on November 2, 2018.¹ *Id.*

There are two problems with the pending Motion. One, the Moving Defendants filed their formal discovery motion without following the Local Rule addressing the protocol for bringing discovery disputes to the Court’s attention, i.e., certification of sincere, good faith efforts to resolve such disputes with opposing counsel, a teleconference, submission of position

¹It is the Court’s understanding that these answers were filed on November 2, 2018.

letters, and the filing of a formal motion if the dispute is not resolve by one of the previous methods. LR 37.1. Two, the Motion is premature because it was filed before the deadline for Plaintiffs to provide their responses to Interrogatory Nos. 6, 7 and 10.

Accordingly, the Motion to Compel, **Doc #: 1066**, is hereby **DENIED**.

IT IS SO ORDERED.

/s/ Dan A. Polster November 7, 2018
Dan Aaron Polster
United States District Judge