

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SHELLI LABBE,)
)
 Plaintiff)
)
 v.) Civil No. 03-219-P-S
)
 ZALE CORPORATION,)
)
 Defendant)

Memorandum of Decision On Discovery Dispute

During the first part of this week counsel for the defendant contacted my chambers to arrange for a telephone conference regarding a dispute that had arisen over a Rule 30(b)(6) deposition. After defendant's counsel made scheduling arrangements with my secretary and the opposing side, the matter was set for telephone conference on Monday, January 12, 2004, at 10:00 a.m. Sometime after that conference had been scheduled, I received electronic notification that counsel for the plaintiff had filed a Motion to Compel Discovery through the CM/ECF process. I had never given authorization to any party to file a written discovery motion in this case. Counsel are directed to Local Rule 26 (b). No written discovery motions shall be filed without the prior approval of a judicial officer. I have therefore entered an Order striking that Motion to Compel. (See Docket No. 15.) Following the discovery conference on January 12, 2004, an order will issue addressing the current discovery dispute and if either party is entitled to file a Motion to Compel or other written discovery motion, that order will indicate that they have been given leave to file such a motion. ECF does not amend or change Local Rule 26(b) and the prior practice under that Rule.

If counsel have discovery disputes in Bangor cases or Portland cases wherein the docket clearly indicates that Magistrate Judge Cohen is recused, as is in this instance, they should contact my chambers directly by telephone to arrange a discovery conference, as has been the practice in the past. If counsel have a discovery dispute in a Portland case before Magistrate Judge Cohen, they should contact the clerk's office in Portland telephonically to arrange a discovery conference and if Magistrate Judge Cohen wants any written materials from them, the clerk's office will advise the parties as to what is required. This procedure has been uniformly followed in this District for a number of years and CM/ECF does not change Local Rule 26 (b).

Dated January 9, 2004

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge