

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**VIRGINA WILLIAMS,**

**Plaintiff,**

**v.**

**SYNCHRONY BANK,**

**Defendant.**

**Case No. 17-CV-2076-CM-GLR**

**MEMORANDUM AND ORDER**

Before the Court is Plaintiff's Motion to Compel Discovery (ECF 27), Defendant's Motion to Stay Discovery (ECF 30), and the parties' Joint Motion to Extend Discovery (ECF 34). For the reasons set forth below, Plaintiff's Motion to Compel Discovery is denied; Defendant's Motion to Stay Discovery is denied; and the parties Joint Motion to Extend Discovery is for good cause granted.

Plaintiff served discovery on Defendant on July 11, 2017. Defendant failed to respond, prompting Plaintiff to send a "meet and confer letter," extending the discovery response deadline to August 25, 2017. On that date, Defendant submitted its responses, citing several objections, including that its Motion to Stay Proceedings (ECF 14) pending a ruling by the D.C. Circuit Court of Appeals had not yet been ruled on by this Court. The Court denied Defendant's Motion to Stay Proceedings on September 26, 2017 (ECF 23). On October 9, 2017, Plaintiff sent Defendant a second "meet and confer letter." It detailed its suggested deficiencies with Defendant's responses, and stated that, because the Motion to Stay Proceedings had been denied, the objections were no longer valid. Defendant responded on October 18, 2017, that it was in the process of supplementing its discovery responses. On November 6, 2017, Defendant filed its

Motion to Compel Arbitration and Dismiss or Stay (ECF 25), which is pending before the Court. On November 13, 2017, Plaintiff filed her Motion to Compel (ECF 27).

In its response to Plaintiff's Motion to Compel, Defendant asserts that Plaintiff did not confer as required by Fed. R. Civ. P. 37(a)(1) and D. Kan. R. 37.2 (ECF 29). Defendant specifically alleges the only communication with Plaintiff regarding discovery was through the "meet and confer letters" that Plaintiff emailed to Defendant. Defendant further argues its Motion to Stay Discovery should be granted, pending the Court's ruling on its Motion to Compel Arbitration and Dismiss or Stay. Plaintiff did not reply to Defendant's response and did not respond to Defendant's Motion to Stay Discovery.

Based on the facts before the Court, Plaintiff's Motion to Compel Discovery (ECF 27) is denied. Fed. R. Civ. P. 37(a)(1) requires a motion for an order to compel disclosure or discovery to "include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." D. Kan. R. 37.2 states the court will not entertain a motion to resolve a discovery dispute unless the moving party "has conferred or has made reasonable effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion." The rule states that a "reasonable effort to confer" means more than mailing or faxing a letter to the opposing party. It requires that the parties in good faith converse, confer, compare views, consult, and deliberate, or in good faith attempt to do so."

In this instance Defendant says Plaintiff did not attempt to confer as required by these rules. Plaintiff has provided no facts to the contrary. Therefore, because Plaintiff failed to confer as required by Fed. R. Civ. P. 37(a)(1) and D. Kan. R. 37.2, the Court denies her motion.

Defendant's Motion to Stay Discovery (ECF 30) is also denied, because that issue is already pending before the Court in its Motion to Compel Arbitration and Dismiss or Stay.

Finally, the Court for good cause grants the parties' Joint Motion to Extend Discovery (ECF 34). The extended discovery deadline is March 31, 2018. The dispositive motion deadline is April 30, 2018. The Final Pretrial Conference is continued to April 26, 2018 at 2:15 p.m.

**IT IS THEREFORE ORDERED BY THE COURT** that Plaintiff's Motion to Compel Discovery (ECF 27) is **denied**.

**IT IS FURTHER ORDERED** that Defendant's Motion to Stay Discovery (ECF 30) is **denied**. The issues raised in this motion are currently pending before the Court in Defendant's Motion to Compel Arbitration and Dismiss or Stay.

**IT IS FURTHER ORDERED** that the parties' Joint Motion to Extend Discovery (ECF 34) is for good cause **granted**.

**IT IS SO ORDERED.**

Dated January 30, 2018, at Kansas City, Kansas.

*S/ Gerald L. Rushfelt*  
Gerald L. Rushfelt  
U.S. Magistrate Judge