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Case No. 2011-cv-108
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deposition on a certain date and opposing counsel declined to agree. At this point, there is nothing for this Court to compel, and the motion is premature.¹

Moreover, even if the deposition had been properly noticed and a dispute had arisen regarding the deponent's attendance, by no stretch is the letter accompanying plaintiffs' motion a "good faith" attempt to meet the requirements of Rule 37 or the Local Rules of this Court. An ultimatum to counsel to respond to a demand within 24 hours is in no way a good faith conference or attempted conference as required under the Rules. Rule 37 requires a *conference* and a *certification* by counsel of compliance – plaintiffs' motion satisfied none of these requirements.

Accordingly, the motion to compel is DENIED.

Dated: July 11, 2012

S_____
RUTH MILLER
United States Magistrate Judge

¹ Of course, all counsel should be mindful of their obligations to cooperate in the discovery process, and to refrain from unilaterally noticing depositions. See, e.g., *Simmons v. American Airlines*, 2003 WL 22768258 (D.V.I. 2003).