

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gary Selinsky, et al. and
related cases

Civil No. 06-873 (JMR/FLN)

Plaintiffs,

v.

ORDER

Boehringer Ingelheim Pharmaceuticals, Inc.,
Pfizer Inc., Pharmacia Corporation, and Pharmacia
& Upjohn Company LLC,

Defendants.

Vincent Moccio and Amy Magid for Plaintiffs
Peter Goss and Steven Ellison for Defendant Pfizer
Scott Smith and Beth Rose for Defendant Boehringer Ingelheim Pharmaceuticals

THIS MATTER came before the undersigned United States Magistrate Judge on July 30, 2007, on Plaintiffs' motion to produce documents and to compel 30(b)(6) deposition testimony [#258]. Through their motion, the Plaintiffs seek further deposition of Dr. Corsico regarding topics he was not prepared to testify under Rule 30(b)(6) and costs associated with that deposition.¹

The Federal Rules of Civil Procedure require that Plaintiffs "[have] in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action." Fed. R. Civ. P. 37(a)(2)(B). Further, the Local Rules of this Court impose the same obligation to obtain the information without Court action. Local Rule 37.1. Based on the parties' memoranda, the arguments of counsel, and the transcript of the deposition at issue, the Court finds that the parties have not exhausted their obligation under the

¹At the hearing, the Plaintiffs abandoned their request for the production of documents until they had an opportunity to review documents that had been recently produced.

Federal Rules of Civil Procedure and the Local Rules of this Court.

Based on all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiffs' motion to produce documents and to compel 30(b)(6) deposition testimony [#258] is **DENIED**. The parties are ordered to exhaust their obligation to confer in good faith.

DATED: August 7, 2007

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge