

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DYLAN CAMPBELL,

Plaintiff,

v.

Case No: 6:20-cv-846-PGB-LHP

UNIVERSAL CITY DEVELOPMENT
PARTNERS, LTD.,

Defendant

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFF'S SHORT-FORM MOTION TO COMPEL
(Doc. No. 96)**

FILED: January 31, 2024

THEREON it is ORDERED that the motion is DENIED without prejudice.

Before the Court is Plaintiff's Short-Form Motion to Compel, in which Plaintiff seeks "to compel discovery from Defendant and redesignate all documents pursuant to the confidentiality agreement," in that "most documents" Defendant

has produced have been labeled “Highly Confidential” pursuant to the parties’ confidentiality agreement, and Plaintiff claims that “[n]othing in these documents should be deemed confidential.” Doc. No. 96. Plaintiff also references a Request for Production, a Common Interest Agreement, privilege objections, and a privilege log. *Id.*

Defendant opposes, arguing, among other things, that Plaintiff failed to confer regarding re-designation of any materials. Doc. No. 97. And after Defendant’s response, Plaintiff filed – without leave of Court – a Notice containing additional attachments, to include “proof of subsequent communication demonstrating conferral.” Doc. No. 98.

Upon review, Plaintiff’s motion (Doc. No. 96) will be denied without prejudice. First, the motion fails to comply with Local Rule 1.08. Second, it is entirely unclear to the Court what specific relief Plaintiff is seeking, whether it be re-designation of all materials produced by Defendant to date, production and/or re-designation of materials listed on Defendant’s privilege log (and whether that be only some or all of the listed documents (*see* Doc. No. 96-4)), and/or document production based on Plaintiff’s Request for Production (*see* Doc. No. 96-3). Third, even considering Plaintiff’s belated and unauthorized attachments (Doc. No. 98-1), those attachments do not demonstrate that the parties have conducted a substantive conferral regarding Plaintiff’s motion and the relief sought, and given Defendant’s

allegation to the contrary, the Court will require the parties to engage in a substantive conferral prior to Plaintiff filing a renewed motion. Local Rule 3.01(g); Doc. No. 86, at 6 (“The term “confer” in Rule 3.01(g) requires a substantive conversation *in person or by telephone* in a good faith effort to resolve the motion without court action and does not envision an exchange of ultimatums by fax, letter or email.”).

Accordingly, it is **ORDERED** as follows:

1. Plaintiff’s Short-Form Motion to Compel (Doc. No. 96) is **DENIED without prejudice**.
2. Prior to filing any renewed motion, Plaintiff and Defendant must engage in a good faith substantive conferral in person or by videoconference (telephone, email, or other communication methods will not suffice) regarding the issues to be raised in any renewed motion. A renewed motion must address, in a Local Rule 3.01(g) certification, the date, time, and length of the conferral, the method by which the conferral was conducted, as well as the issues discussed, to include a detailed recitation of those issues remaining for resolution by the Court.
3. In any renewed motion, Plaintiff must also set forth the precise relief he seeks from the Court. To the extent that Plaintiff seeks only re-designation of documents pursuant to the parties’ confidentiality agreement

(Doc. No. 96-1), the Court's Standing Order on Discovery Motions (Doc. No. 88) does not apply. If Plaintiff seeks relief outside of or in addition to re-designation of documents, the Standing Order on Discovery Motions (Doc. No. 88) applies.

DONE and **ORDERED** in Orlando, Florida on February 5, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties