

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HTR INC. AND MIKE STARLING,
Plaintiffs,

vs.

CONTINENTAL GROUP, LLC,
et al.,
Defendants.

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CIVIL ACTION H-06-0835

ORDER

Plaintiffs' motion to compel defendants to answer requests for production of documents (Dkt. 39) is stricken for failure to adequately confer prior to filing the motion. LOC. R.S.D. TEX.7.1(D). Plaintiffs' motion appears to have been filed in a rush on December 24, 2007 before the Christmas holiday and the close of discovery on January 2, 2008. Counsel has previously been admonished not to file a motion to compel until all efforts to resolve a discovery dispute have failed. *See* Dkt. 36. Plaintiffs are granted leave to refile their motion on or before January 4, 2008, after complying with Rule 7.1(D) (and proper editing and proofreading).

Signed at Houston, Texas on December 28, 2007.



Stephen Wm Smith
United States Magistrate Judge