UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PHYLLIS SCHLAFLY REVOCABLE TRUST et al.,	)	
Plaintiffs,	)	
v.	)	Case No. 4:16-CV-01631 JAR
ANNE CORI, et al.,	)	
Defendants.	)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Eagle Forum's motion to quash a subpoena directed to nonparty HostMonster. (Doc. No. 243). Plaintiff filed a response on June 16, 2022. Defendant has not filed a reply and the time to do so has passed. For the reasons set forth below, the motion will be denied without prejudice.

On May 18, 2022, Plaintiffs emailed a subpoena to HostMonster seeking production of information related to the subscriber accounts for eagleforum.info and eagleforum.org. HostMonster confirmed receipt of the subpoena later that day. Plaintiffs notified counsel for Defendant of the subpoena, as well as HostMonster's initial response on May 19. Defendant asks the Court to quash the subpoena because Plaintiffs failed to notify them prior to serving it on HostMonster.

Eastern District Local Rule 3.04(A) provides with respect to motions concerning discovery and disclosure:

> The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of

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> such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

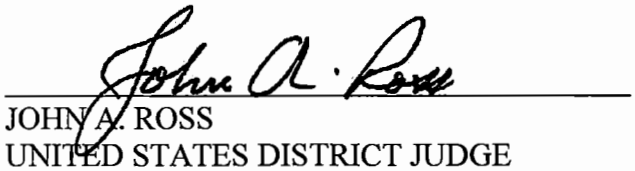
E.D. Mo. L.R. 3.04(A).

The instant motion concerns discovery but is silent as to any good-faith effort to resolve this matter without Court involvement. Local Rule 3.04(A) requires a conference in person or by telephone, along with specific details concerning the conference, or a statement of the reasonable efforts made to confer in person or by telephone. Defendant's motion contains no statement that their counsel has conferred with opposing counsel in person or by telephone regarding the discovery dispute at issue, much less provide the details required by Local Rule 3.04(A).

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Quash [243] is **DENIED without prejudice**.

Dated this 6th day of July, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE