UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' motion to compel discovery responses (Doc. 77). Defendants oppose the motion (Doc. 79), arguing that the discovery requests are premature under Federal Rule of Civil Procedure 26. The matter is fully brief and ready for disposition. For the reasons set forth below, Plaintiffs' motion will be denied.

DISCUSSION

The procedural history of this case is lengthy. Plaintiffs filed this action on October 19, 2016, and, on November 3, 2016, Plaintiffs filed their first motion for a temporary restraining order and preliminary injunction (Doc. 7). In that motion, Plaintiffs asked the Court to enjoin Defendants from using Phyllis Schlafly's likeness or image; to enjoin them from distributing, using, or disseminating the database and any other confidential trade secrets belonging to Phyllis Schlafly; and to require them to list and return Phyllis Schlafly's confidential and proprietary trade secrets, including the database (*Id.*). Defendants opposed the motion (Doc. 22) and filed a motion to dismiss (Doc. 16).

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On November 9, 2016, after holding a hearing, the Court denied Plaintiffs' first motion for a temporary restraining order and preliminary injunction (Doc. 27). Plaintiffs then filed a motion to schedule a Rule 16 Conference (Doc. 42). In light of the pending motion to dismiss, the Court denied Plaintiffs' motion to schedule a Rule 16 Conference without prejudice (Doc. 43).

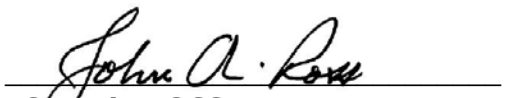
On April 17, 2017, Plaintiffs filed an amended complaint (Doc. 57) and, on the same day, the Court directed the parties to show cause why this proceeding should not be stayed pending the resolution of another case in Madison County, Illinois, and St. Louis County Probate Court (Doc. 27). On April 27, 2017, the Court ordered Defendants to submit responsive pleadings to the amended complaint within 14 days after the Court either determined a stay was inappropriate or any stay was lifted (Doc. 59). The Court has not yet determined whether a stay is appropriate.

Pursuant to Federal Rule of Civil Procedure 26(d)(1), "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except . . . when authorized by these rules, by stipulation, or by court order." Plaintiffs have not sought leave of the Court to serve discovery, there has been no stipulation, there has been no conference scheduled pursuant to Rule 16(b), and the parties have not conferred as required under Rule 26(f). Therefore, Plaintiffs' discovery requests were premature and improperly served, and the Court will deny Plaintiffs' motion to compel.

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion to compel (Doc. 77) is **DENIED**.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 26th day of September, 2017.