

03/22/2018

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

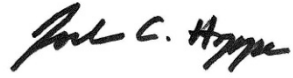
ELIZABETH SINES, et al.,	)	
Plaintiffs,	)	Civil Action No. 3:17cv00072
	)	
v.	)	<b><u>ORDER</u></b>
	)	
JASON KESSLER, et al.,	)	By: Joel C. Hoppe
Defendants.	)	United States Magistrate Judge

This matter is before the Court on Plaintiffs’ Motion to Preclude Defendant Michael Peinovich from Recording the Parties’ Discovery Negotiations. ECF No. 126. Peinovich filed a response in opposition, ECF No. 134, and both parties addressed the motion at a hearing and scheduling conference on March 16, 2018. At the hearing, the Court reminded all counsel and self-represented parties that they must adhere to the spirit and purpose of the federal rules governing civil discovery, which require cooperation and “communication rather than confrontation,” *Mancia v. Mayflower Textile Servs. Co.*, 253 F.R.D. 354, 358 (D. Md. 2008). *See generally* Fed. R. Civ. P. 26(g) advisory committee’s note to 1983 amendment. The Court asked Peinovich not to record his conversations with Plaintiffs’ counsel, and Peinovich agreed. Moreover, during the scheduling conference, the Court and the parties addressed the topics set forth in Rule 26(f) of the Federal Rules of Civil Procedure. Accordingly, for these reasons and those stated on the record during the hearing, Plaintiffs’ motion, ECF No. 126, is hereby DENIED as moot.

It is so ORDERED.

The Clerk shall deliver a copy of this Order to counsel of record and to Defendant Peinovich.

ENTER: March 22, 2018



Joel C. Hoppe  
United States Magistrate Judge