





by Complaint Counsel's Motion . . . but Respondents' Counsel has not responded to the email sent on January 30, 2011 as of the filing of this motion which we are forced to


Respondents argue that Complaint Counsel's Motion is defective because Complaint Counsel failed to confer with Respondents' Counsel as required. Respondents further state that, had Complaint Counsel actually conferred with LabCorp, Complaint Counsel would have known that LabCorp planned to begin its production the week of January 31, 2011 and is committed to prioritizing its production to provide Complaint Counsel with materials for individuals noticed for deposition at least three days prior to those depositions. Moreover, Respondents state LabCorp has already begun producing

Because Complaint Counsel did not, as required, confer with opposing counsel in an effort in good faith to resolve by agreement the issues raised by its motion, Complaint Counsel has not complied with Rule 3.22(g) and Additional Provision 4 of the Scheduling Order in this case.

V.

Complaint Counsel failed to comply with Rule 3.22(g) and Additional Provision 4 of the Scheduling Order. Accordingly, Complaint Counsel's Motion is DENIED.

ORDERED:

  
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D. Michael Chappell  
Chief Administrative Law Judge

Date: February 8, 2011