UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

EQUAL EMPLOYMENT OPPORTUN COMMISSION,	NITY	
Plaintifff,)	
V.)	CAUSE NO. 1: 04CV300
BUTTERWORTH INDUSTRIES, INC) ,	
Defendant.)	

ORDER

This matter is before the Court on a "Motion to Compel" filed by the Plaintiff, the Equal Employment Opportunity Commission on February 24, 2005.

Although the motion is supported by "a separate document" under N.D. Ind. L.R. 37.1, the intent of the Local Rule, as evidenced by N.D. Ind. LR 37.1(b), is that counsel actually confer, not simply exchange letters. This intent is evidenced by the fact that the certification is to recite the "date, time, and place of the conference," something notably missing here. Moreover, there is no showing that there was any attempt to confer, or that a conference would be futile. On the whole then, the motion does not appear to satisfy either the language or intent of what is required by Local Rule 37.1. *See, e.g., Williams v Board of County Comm'rs of Unified Government,* 192 F.R.D. 698, 699 (D. Kan. 2000)(To meet-and-confer means that "counsel converse, confer, compare views, consult and deliberate.").

Accordingly, the Motion is DENIED without prejudice. See, N.D. Ind. 37.1(c). SO

ORDERED.

Enter for February 24, 2005.

s/Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge