

NORTHERN CHESTER COUNTY
SPORTSMEN'S CLUB
Plaintiff

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

VS.

NO. 2014-08969

JOHN MARK MULLER AND
BENJAMIN T. JANUS AND
WILLIAM J. DUNN
Defendants

CIVIL ACTION - LAW

Barry M. Rothman, Esquire, Attorney for Plaintiff
Christopher L. Turner, Esquire, Attorney for Defendant

ORDER OF COURT

FILED
2015 MAR 16 AM 8:46
OFFICE OF THE
PROTHONOTARY
CHESTER CO., PA.

AND NOW, this 13th day of March 2015, upon review and consideration of the Plaintiff's Motion to Compel the Deposition of Defendant, John Mark Muller, and any response thereto, the motion is **DENIED** without prejudice¹.

BY THE COURT:


Jeffrey R. Sommer J.

¹ Movant failed to attach a certification, pursuant to Chester County Rule of Civil Procedure 208.2, to indicate that counsel attempted, in good faith, to resolve this discovery issue. While counsel attached the cover letter enclosing the original notice of deposition and a follow up letter in January seeking dates for a deposition, there is no indication in the motion that counsel attempted, in good faith, to resolve the discovery dispute but was unable to do so. Counsel is cautioned that this Court disagrees that sending one letter to opposing counsel constitutes "conferring" in an effort to resolve the matter prior to resorting to motion practice. Sending a letter, or even a series of letters, is not sufficient. Counsel must contact, or at least make a reasonable effort at contact, by telephone, in person or by some other similar means in order to resolve the discovery dispute.