

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Darrielle Foster v. Lynroy Carty

Foster · No. No. 25-1914 · Decided January 28, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied without prejudice AmGuard Insurance Company’s motion to compel discovery. The court found that the record did not establish that the parties had conducted the required Federal Rule of Civil Procedure 26(f) conference or that a scheduling order had been entered, making it unclear whether discovery had been properly initiated. The court stated that the motion could be refiled with evidence addressing these issues.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Donna Phillips Currault
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 28, 2026
DOCKET	No. 25-1914
DISPOSITION	other
PROCEDURAL POSTURE	Intervenor/Defendant AmGuard Insurance Company moved to compel discovery in a removed motor-vehicle-accident action. The court denied the motion without prejudice because the record did not establish that the parties had conducted the required Rule 26(f) conference before discovery was served.
STANDARD OF REVIEW	The court considered the merits of the unopposed motion and applied Federal Rule of Civil Procedure 26(d)(1) to determine whether discovery had been properly initiated.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should grant an unopposed motion to compel when the record does not establish that the parties conducted the Rule 26(f) conference required before discovery.
2. Whether discovery requests served before the Rule 26(f) conference may support a motion to compel.

HOLDINGS

1. A party generally may not seek discovery, and the court cannot determine that a motion to compel is proper, unless the parties have conducted the Rule 26(f) conference or discovery was otherwise authorized under Rule 26(d)(1). Because the record did not establish that the required conference occurred before AmGuard served discovery, the motion to compel was denied without prejudice.
2. If the discovery was served before the Rule 26(f) conference, Requests for Production are deemed served on the date of that conference under Rule 26(d)(2)(B), but the opinion identified no comparable deeming provision for interrogatories or requests for admission.

KEY QUOTATIONS

“Only after an appearance and the required Rule 26(f) conference may discovery commence.” (II)

“At this early stage, and in the absence of any evidence that the parties held the required Rule 26(f) conference before issuance of discovery, the undersigned cannot determine whether a motion to compel is in order.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff brought a motor-vehicle-accident action seeking damages. After removal, AmGuard asserted that it served written discovery but received no responses by the extended deadline. The record did not show that the parties had conducted a Rule 26(f) conference, and Plaintiff had not yet served Carty. No Rule 16 scheduling conference or scheduling order had occurred.

PROCEDURAL HISTORY

Plaintiff filed the action in state court, and AmGuard removed it to the Eastern District of Louisiana on September 16, 2025. AmGuard asserted that it served written discovery on November 11, 2025, extended the response deadline to January 2, 2026, and received no responses. The court noted that Plaintiff had not yet served Lynroy Carty, the service deadline had been extended, and no scheduling conference or scheduling order had occurred. The motion to compel was denied without prejudice.

DISPOSITION

other

CASES CITED

- Edward H. Bohlin Co., Inc. v. Banning Co., Inc., 6 F.3d 350, 356 (5th Cir. 1993)
- Webb v. Morella, 457 F. App'x 448, 452 n.4 (5th Cir. 2012)
- Chevron USA, Inc. v. Peuler, No. 02-2982, 2003 WL 139164 (E.D. La. Jan. 15, 2003)
- Collier v. Shell Offshore, Inc., No. 14-2090, 2015 WL 13048735 (E.D. La. Mar. 17, 2015)
- Bo-Mac Contractors, Ltd. v. Daigle Towing Serv., L.L.C., No. 19-11792, 2020 WL 1812796, at *3 (E.D. La. Apr. 9, 2020)

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