

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH  
DAKOTA

Julian Pierce Williams v. Paul Olthoff, et al.

Williams v. Olthoff · No. 1:25-cv-058 · Decided February 11, 2026

SUMMARY

The United States District Court for the District of North Dakota denied without prejudice a pro se plaintiff’s motion to compel answers to interrogatories. The court held that the plaintiff failed to identify the interrogatories, certify a good-faith conferral effort, request the required telephonic conference, or otherwise comply with Federal Rule of Civil Procedure 37, Local Rule 37.1, and the court’s prior order.

CASE DETAILS

|                       |                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of North Dakota                                                                                                                                                                         |
| WRITING FOR THE COURT | Clare R. Hochhalter                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the District of North Dakota                                                                                                                                                                         |
| DECIDED               | February 11, 2026                                                                                                                                                                                                                     |
| DOCKET                | 1:25-cv-058                                                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff moved to compel Defendants to answer interrogatories. The court denied the motion without prejudice because Plaintiff did not satisfy the meet-and-confer, certification, and pre-motion telephone-conference requirements. |
| STANDARD OF REVIEW    | The court applied the procedural requirements governing motions to compel under Federal Rule of Civil Procedure 37(a)(1), Local Rule 37.1, and the court's prior order.                                                               |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                               |
| PARTIES               | Julian Pierce Williams v. Paul Olthoff, et al.                                                                                                                                                                                        |

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Plaintiff's motion to compel should be granted when he failed to identify or attach the interrogatories at issue and failed to comply with the meet-and-confer, certification, and pre-motion conference requirements.
2. Whether Plaintiff's pro se status excused his noncompliance with the Federal Rules of Civil Procedure, the local rules, and the court's prior discovery order.

## HOLDINGS

1. A party seeking an order compelling discovery must comply with Federal Rule of Civil Procedure 37(a)(1), Local Rule 37.1, and the court's prescribed pre-motion procedures, including a good-faith meet-and-confer and, when required, a telephone conference with the magistrate judge. Because Plaintiff did not comply, his motion to compel was procedurally improper and was denied without prejudice.
2. Pro se litigants must comply with the Federal Rules of Civil Procedure, applicable local rules, and court orders; Plaintiff's pro se status did not excuse his failure to comply with the discovery-motion prerequisites.

## KEY QUOTATIONS

*"Even pro se litigants must comply with court rules and directives."* (at 2)

*"Plaintiff's motion to compel (Doc. No. 72) is therefore procedurally improper and DENIED without prejudice."* (at 3)

## FACTUAL BACKGROUND

Plaintiff, proceeding pro se, claimed that Defendants had not responded to interrogatories served on or about December 29, 2025. He did not identify or attach the interrogatories, certify that he had conferred or attempted to confer in good faith with Defendants, or request the required telephone conference with the magistrate judge.

## PROCEDURAL HISTORY

Plaintiff filed a motion to compel on February 10, 2026, asserting that Defendants had not answered interrogatories served on or about December 29, 2025. A prior September 24, 2025, order required the parties to confer in good faith, request a telephone conference with the magistrate judge if necessary, and comply with Federal Rule of Civil Procedure 37(a)(1) and Local Rule 37.1 before filing discovery motions. The court found that Plaintiff had not followed those prerequisites and denied the motion without prejudice.

## DISPOSITION

other

## CASES CITED

- Aery v. Nohre, No. 22-CV-491 (PJS/TNL), 2022 WL 4136620, at \*5 (D. Minn. Aug. 5, 2022)
- Soliman v. Johanns, 412 F.3d 920, 922 (8th Cir. 2005)
- Bennett v. Dr. Pepper/Seven Up, Inc., 295 F.3d 805, 808 (8th Cir. 2002)
- Burgs v. Sissel, 745 F.2d 526, 528 (8th Cir. 1984)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA  
 Julian Pierce Williams, ) ) ORDER Plaintiff, ) ) vs. ) ) Case No. 1:25-cv-058 Paul Olthoff, et al., )  
 ) Defendants. ) Before the court is a motion to compel answers to interrogatories filed by Plaintiff,  
 who is proceeding pro se, on February 10, 2026. (Doc. No. 72).

For the reasons that follow, the motion is denied without prejudice. Rule 37 of the Federal Rules of Civil Procedure requires the party moving for an order compelling disclosure or discovery to certify that he “has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery.” See Fed. R. Civ. P. 37(a)(1). Local Rule 37.1 similarly requires that the parties make a sincere, good faith effort to resolve discovery issues before involving the court.

D.N.D. Civ. L.R. 37.1 On September 24, 2025, the court issued an order requiring the parties to take the following steps before to filing any discovery motions: (1) The parties are required to confer and fully comply with Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule 37.1 by undertaking a sincere, good faith effort to resolve all differences without court action or intervention.

(2) In the event that all parties have made reasonable, good faith efforts to confer and attempt to resolve any differences, without success, the parties are then required to schedule a telephonic conference with the magistrate judge in an effort to try to resolve the discovery dispute prior to filing any discovery motions.

The magistrate judge may require the parties to submit brief 1 position statements prior to the telephonic conference. (3) If the discovery dispute is not resolved during the telephonic conference with the magistrate judge, the magistrate judge may permit filing of discovery motions.

In connection with the filing of any such motions, the moving party must fully comply with all requirements of Rule 37(a)(1) and Local Rule 37.1 and must submit the certifications required by those rules. (4) The court will not hear any discovery motion unless the parties have made a sincere, good faith effort to resolve the dispute and all of the above-described steps have been strictly followed.

A failure to fully comply with all of the prerequisite steps may result in a denial of any motion with prejudice and may result in an award of costs and reasonable attorney’s fees. (Doc. No. 43).

Plaintiff asserts in his motion that Defendants have yet to respond to interrogatories that he serve upon them on or about December 29, 2025.

However, he has not specified, identified, or attached the particular interrogatories at issue, leaving the court to guess at their form and substance. Further, he does not certify that he has in good faith conferred or attempted to confer with Defendants about his interrogatories.

Finally, he has not requested a telephone conference with the court to discuss Defendant's answers or lack thereof to his interrogatories. Thus, it is clear that he did not comply with the court's September 24, 2025, order or the requirements of Fed. R. Civ. P. 37(a)(1) and Local Rule 37.1 prior to filing his motion to compel. Plaintiff's pro se status does not excuse this noncompliance with the Federal Rules of Civil Procedure, the Local Rules, or the court's order.

See *Aery v. Nohre*, No. 22-CV-491 (PJS/TNL), 2022 WL 4136620, at \*5 (D. Minn. Aug. 5, 2022) (denying a pro se plaintiff's motion to compel without prejudice on account of his failure to comply with the applicable rules of procedure); see, e.g., *Soliman v. Johanns*, 412 F.3d 920, 922 (8th Cir. 2005) ("Even pro se litigants must comply with court rules and directives."); *Bennett v. Dr. Pepper/Seven Up, Inc.*, 295 F.3d 805, 808 (8th Cir.

2002) (pro se status does not entitle litigant to disregard Federal Rules of Civil Procedure or court's local rules); *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984) ("[P]ro se litigants are not excused from failing to comply with substantive and procedural law."). Plaintiff's motion to compel (Doc. No. 72) is therefore procedurally improper and DENIED without prejudice.

IT IS SO ORDERED. Dated this 11th day of February, 2026. /s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge United States District Court 3