**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

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| IN RE THE MARRIAGE OF JOHN DOE AND JANE DOE | |
| Upon the Petition of  JOHN DOE,  Petitioner,  And Concerning,  JANE DOE,  Respondent. | CASE NO. \*\*\*\*\*\*\*\*  **RESISTANCE TO MOTION TO COMPEL** |

COMES NOW Petitioner, by and through the undersigned counsel and in support of his Application to Preserve Assets, hereby states to the Court:

1. That on March 01, 2016, the Respondent served Interrogatories and Request for Production of Documents upon Petitioner.
2. That on April 08, 2016, Respondent’s Counsel left a message with the undersigned’s office to call them regarding the above captioned case.
3. That on April 09, 2016, Respondent filed a Motion to Compel Discovery.
4. Iowa Rules of Civil Procedure Rule 1.501(3) provides:

Any discovery motion presented to the court must include a certification that the movant has in good faith personally spoken with or attempted to speak with other affected parties in an effort to resolve the dispute without court action. The certification must identify the date and time of any conference or attempts to confer.

1. Respondent filed a Motion to Compel without providing Petitioner’s Counsel opportunity to personally speak with counsel to resolve the discovery dispute.
2. Respondent’s food faith attempt was illusionary in nature, thus did not comply with I.R.C.P. 1.501(3).
3. Further, Respondent’s Motion does not address the date and time of any attempts to confer as required.

WHEREFORE, Petitioner prays for the Court to dismiss Respondent’s Motion to Compel and for such other and further relief as the Court deems just and reasonable.

Respectfully submitted,

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