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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 BRIAN P. CARR,

11 Plaintiff,

12 v.

13 SAM REED, et al.,

14 Defendants.  
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Case No. C07-5260RJB

ORDER

16 This matter comes before the court on plaintiff's Motion to Speed Discovery Process (Dkt. 38) and  
17 on State Defendants' Motion to Apply Court's Stay Order to Defendant Wanda Briggs, to Extend Stay  
18 and to Stay Motion Practice re: Discovery (Dkt. 42). The court has considered the relevant documents and  
19 the remainder of the file herein.

20 Pending before the court are three motions for summary judgment: State Defendants' Motion for  
21 Summary Judgment and Dismissal of Plaintiff's Amended Complaint (Dkt. 26), Clark County Defendants'  
22 Motion for Summary Judgment and Motion to Dismiss Plaintiff's Amended Complaint (Dkt. 29), and  
23 Defendant Wanda Briggs' Motion for Summary Judgment and Dismissal of Plaintiff's Amended Complaint  
24 (Dkt. 41). These motions are noted for consideration on the court's October 19, 2007 calendar.

25 On August 29, 2007, the court granted the Clark County defendants' motion to stay discovery and  
26 to delay the dates for providing initial disclosure and filing the joint status report pending an anticipated  
27 dispositive motion to be filed by the Clark County defendants. Dkt. 25. Pursuant to that order, the parties  
28 were directed to provide initial disclosures and to file a joint status report by October 15, 2007; and

1 discovery was stayed until October 26, 2007. *Id.* After the August 29, 2007 order was issued, dispositive  
2 motions were filed by the State defendants and Clark County defendants, but consideration of those  
3 motions was delayed until October 19, 2007, so that the court could also consider a later-filed motion for  
4 summary judgment and dismissal by Wanda Briggs, a recently added defendant. Dkt. 44.

5 On September 26, 2007, plaintiff filed a motion, requesting that the court speed the discovery  
6 process by shortening time for responses to interrogatories; and direct all parties to submit initial  
7 disclosures, requests for access to documents, and responses to these documents via the court's electronic  
8 filing system. Dkt. 38. Defendants filed responses to plaintiff's motion (Dkt. 49 and 50) and plaintiff filed  
9 a reply (Dkt. 52 and 54). A scheduling order has not yet been issued in this case; plaintiff has not shown  
10 good cause for expediting discovery. Further, an order requiring that the parties use the court's electronic  
11 filing system to engage in discovery is not appropriate. The court should deny plaintiff's motion to speed  
12 the discovery process.

13 On September 27, 2007, the State defendants (including Wanda Briggs) filed a motion, requesting  
14 that, in light of the October 19, 2007 date for consideration of all three dispositive motions, the court (1)  
15 apply the court's August 29, 2007 Order Staying Discovery to defendant Wanda Briggs; (2) extend the  
16 stay of the deadlines for providing initial disclosures and filing a joint status report until the court rules on  
17 the pending dispositive motions; and (3) extend the stay so that discovery may not commence before  
18 November 16, 2007. Dkt. 42. Defendants filed responses to plaintiff's motion (Dkt. 49 and 50) and  
19 plaintiff filed a reply (Dkt. 52). Defendants have shown good cause for applying the existing stay to  
20 recently-added defendant Ms. Briggs; and for delaying pretrial deadlines until the court rules on the  
21 pending dispositive motions. The State defendants' motion should be granted.

22 Therefore, it is hereby

23 **ORDERED** that the State Defendants' Motion to Apply Court's Stay Order to Defendant Wanda  
24 Briggs, to Extend Stay and to Stay Motion Practice re: Discovery (Dkt. 42) is **GRANTED**. The October  
25 15, 2007 date set for providing initial disclosures and filing a joint status report is **STRICKEN**. All  
26 discovery in this case is **STAYED** until the court rules on the pending dispositive motions. Following the  
27 court's order on the pending dispositive motions, the court will, if necessary, set new dates for providing  
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1 initial disclosures, filing a joint status report, and commencing discovery. Plaintiff's Motion to Speed  
2 Discovery Process (Dkt. 38) is **DENIED**.

3 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
4 party appearing *pro se* at said party's last known address.

5 DATED this 12<sup>th</sup> day of October, 2007.

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8 ROBERT J. BRYAN  
9 United States District Judge

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