

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JEREMY SUNDHEIM,  
  
Plaintiff,  
  
v.  
  
UNITED RENTALS (NORTH  
AMERICA), INC.,  
  
Defendant.

NO: 2:15-CV-0275-TOR  
  
ORDER GRANTING PARTIES'  
JOINT MOTION TO DISMISS  
AFFIRMATIVE DEFENSES;  
DENYING PLAINTIFF'S MOTION  
FOR EXPEDITED HEARING

BEFORE THE COURT is the parties' Joint Motion to Dismiss Affirmative Defenses No. 1-4 (ECF No. 15) and Plaintiff's Motion to Expedite Hearing re: Plaintiff's Motion for Leave to Amend Complaint (ECF No. 19). These matters were submitted for consideration without oral argument. The Court has reviewed the briefing, the record, and files therein; and is fully informed.

**I. Dismissal of Affirmative Defenses**

The parties move to request an order dismissing Defendant's Affirmative Defenses No. 1-4 in its Answer to Complaint (ECF No. 3).

ORDER GRANTING PARTIES' JOINT MOTION TO DISMISS  
AFFIRMATIVE DEFENSES; DENYING PLAINTIFF'S MOTION FOR  
EXPEDITED HEARING ~ 1

1 Pursuant to the parties' stipulation of dismissal and joint motion, ECF Nos.  
2 14, 15, this Court **GRANTS** the parties' motion and dismisses Affirmative  
3 Defenses No. 1-4 without prejudice from this action.

## 4 **II. Denial of Motion to Expedite**

5 Plaintiff moves for an expedited hearing on his motion for leave to amend  
6 his complaint. ECF No. 19.

7 Plaintiff's motion for an expedited hearing was filed on May 12, 2016, and  
8 was noted for hearing for May 19, 2016. *See id.* Plaintiff's underlying motion to  
9 amend, which was also filed on May 12, 2016, was noted for hearing for June 13,  
10 2016. ECF No. 17. Defendant objected to the motion for an expedited hearing on  
11 May 16, 2016. ECF No. 21.

12 The Eastern District of Washington local rules require a party filing a non-  
13 dispositive motion to note the motion for hearing "at least 30 days after the  
14 motion's filing." LR 7.1(h)(2)(A). Pursuant to LR 7.1(h)(2)(C), this requirement  
15 may only be modified by the Court upon a showing of good cause. Given  
16 Defendant's opposition, this Court finds Plaintiff's motion to expedite does not  
17 demonstrate good cause to hear the motion to amend on an expedited basis.  
18 Accordingly, this Court **DENIES** the motion for an expedited hearing.

19 Plaintiff's motion to amend shall be heard on June 13, 2016. Defendant  
20 shall file its response to the motion within the time limit set forth in LR  
**ORDER GRANTING PARTIES' JOINT MOTION TO DISMISS  
AFFIRMATIVE DEFENSES; DENYING PLAINTIFF'S MOTION FOR  
EXPEDITED HEARING ~ 2**

1 7.1(b)(2)(B). Plaintiff shall file his optional reply within the time limit set forth in  
2 LR 7.1(c)(2)(B), Alternatively, Plaintiff may file his reply a day or two after  
3 Defendant files its response in order to allow the Court time to consider this matter  
4 ahead of the June 13, 2016 hearing date.

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 **1.** The parties' Joint Motion to Dismiss Affirmative Defenses No. 1-4 (ECF  
7 No. 15) is **GRANTED**. Defendant's Affirmative Defenses No. 1-4 within  
8 ECF No. 3 are **DISMISSED without prejudice**.

9 **2.** Plaintiff's Motion to Expedite Hearing re: Plaintiff's Motion for Leave to  
10 Amend Complaint (ECF No. 19) is **DENIED**.

11 The District Court Clerk is directed to enter this Order and provide copies to  
12 counsel.

13 **DATED** May 19, 2016.



17  
18  
19  
20

A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
Chief United States District Judge