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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STEPHEN KERR EUGSTER,

Plaintiff,

v.

PAULA C. LITTLEWOOD, Executive Director of the WASHINGTON STATE BAR ASSOCIATION in her official capacity, and JUSTICES OF THE WASHINGTON SUPREME COURT, namely: MARY FAIRHURST, Chief Justice, in her official capacity; CHARLES JOHNSON, Justice, in his official capacity; SHERYL GORDON McCLOUD, Justice, in her official capacity; CHARLES WIGGINS, Justice, in his official capacity; STEVEN GONZÁLEZ, Justice, in his official capacity; MARY YU, Justice, in her official capacity; BARBARA MADSEN, Justice, in her official capacity; SUSAN OWENS, Justice, in her official capacity; and, DEBRA STEPHENS, Justice, in her official capacity,

Defendants.

NO. 2:17-CV-0392-TOR

ORDER GRANTING  
STIPULATED MOTION TO  
WITHDRAW PENDING  
MOTION TO DISMISS, TO  
EXTEND TIME TO RESPOND  
TO AMENDED COMPLAINT,  
AND TO DISMISS  
DEFENDANT THE  
WASHINGTON STATE BAR  
ASSOCIATION

1           BEFORE THE COURT are the parties’ Stipulated Motion to Withdraw  
2 Pending Motion to Dismiss, to Extend Time to Respond to Amended Complaint,  
3 and to Dismiss Defendant the Washington State Bar Association (ECF No. 21) and  
4 Stipulated Motion to Expedite (ECF No. 22). This matter was submitted for  
5 consideration without oral argument. The Court has reviewed the record and files  
6 herein, and is fully informed.

7           On November 25, 2017, Plaintiff Stephen Kerr Eugster, proceeding *pro se*,  
8 filed this Complaint against Defendant Paula C. Littlewood and the Washington  
9 State Bar Association (“WSBA”). ECF No. 1. Plaintiff is a licensed attorney and  
10 member of the WSBA. *Id.* at 7. Plaintiff alleges violation of his constitutional  
11 rights under 42 U.S.C. § 1983, and violation of procedural due process and his  
12 fundamental rights due to compelled membership in the WSBA. *Id.* at 8–10.

13           On January 30, 2018, Defendants Littlewood and the WSBA filed a Motion  
14 to Dismiss. ECF No. 8. On February 7, 2018, Plaintiff filed an Amended  
15 Complaint, which removed the WSBA as a party and added each Justice of the  
16 Washington State Supreme Court as Defendants. ECF No. 9. The Amended  
17 Complaint also added and removed claims. *See id.*

18           In the instant motion, the parties jointly move to withdraw the pending  
19 Motion to Dismiss, as the relevance of the arguments are affected by the Amended  
20 Complaint. ECF No. 21 at 2. The parties further stipulate that Defendant

1 Littlewood should be allowed additional time to respond to the Amended  
2 Complaint, agreeing that her response should be due by April 11, 2018. Lastly, the  
3 parties stipulate that former Defendant WSBA should be formally dismissed from  
4 this matter. *Id.*

5 The Court finds that Defendant Littlewood may withdraw her Motion to  
6 Dismiss due to Plaintiff's Amended Complaint. Defendant Littlewood is ordered  
7 to file a response to the Amended Complaint no later than April 11, 2018. The  
8 Court dismisses Defendant Washington State Bar Association from this case.

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

- 10 1. Stipulated Motion to Withdraw Pending Motion to Dismiss, to Extend  
11 Time to Respond to Amended Complaint, and to Dismiss Defendant the  
12 Washington State Bar Association (ECF No. 21) is **GRANTED**.
- 13 2. Stipulated Motion to Expedite (ECF No. 22) is **GRANTED**.
- 14 3. The Clerk of Court shall terminate the Washington State Bar Association  
15 from the docket as a Defendant in this case.

16 The District Court Executive is directed to enter this Order and furnish  
17 copies to the parties.

18 **DATED** February 22, 2018.



*Thomas O. Rice*  
THOMAS O. RICE  
Chief United States District Judge