

The Honorable Marsha J. Pechman

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANNETTE GONZALEZ,)	
)	No. C08-0093 MJP
Plaintiff,)	
v.)	ORDER ON PLAINTIFF’S AMENDED
)	MOTION TO COMPEL
NATIONAL RAILROAD PASSENGER)	
CORPORATION (AMTRAK),)	
)	
Defendant.)	

This matter comes before the Court on Plaintiff’s motion to compel. (Dkt. No. 32.) The Court has considered the motion, the response (Dkt. No. 35), the reply (Dkt. No. 39), and all other pertinent documents in the record. The Court finds and orders as follows:

1. It appears from that record that the vast majority of disputed documents have been produced or made available.
2. Though it is unclear from the record, it appears that the disputed aspects of Plaintiff’s requests for production 8, 13, 15, 19, 20, 21, 25 and Plaintiff’s interrogatory 17 are at issue because of concerns over confidentiality. The Second Davis Declaration (Dkt. No. 40, ¶ 2) does not describe the aspects of these requests that remain outstanding. The Court is willing to enter a protective order, but has not been provided with a

1 suitable one. The Court requests that the parties confer and provide the Court with
2 proposed protective orders or a stipulated protective order.

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4 3. With respect to Plaintiff's interrogatory 14 and request for production 16, it is unclear
5 from the record whether Mr. Black has filed a "formal supplemental discovery
6 pleading" as provided in his email communication with Ms. Davis. (See Black Decl.,
7 Ex. 15; Second Davis Decl. ¶ 5.) To the extent no such pleading has been filed, the
8 Court GRANTS IN PART Plaintiff's motion. If it has not already done so, Defendant
9 is directed to file a responsive pleading supplementing his answers as provided in Mr.
10 Black's email. (Id.)

11 4. The Court cannot parse the various agreements that the parties claim to have entered,
12 nor need it analyze them for the purposes of this motion.

13 5. Defendant will not be allowed to enter evidence any document it has not produced for
14 Plaintiff.

15 6. The Court DENIES both parties' requests for fees and costs. Each party bears its
16 expense related to this motion.

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18 It is SO ORDERED.

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20 The Clerk is directed to transmit a copy of this order to all counsel of record.

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22 DATED this 25th day of February, 2009

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26 Marsha J. Pechman
27 United States District Judge
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