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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 RICHARD C. RODOLF,

9 Plaintiff,

10 v.

11 CHRISTOPHER KIELAND, *et al.*,

12 Defendant.
13

NO. C08-475RSL

ORDER DENYING PLAINTIFF'S
MOTION TO SUPPLEMENT

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15 This matter comes before the Court on plaintiff's "Motion to Supplement," Dkt. #48.
16 Although defendants logically construed this motion as a motion to compel the production of
17 evidence, Dkt. #49 at 1, plaintiff clarified in his reply brief that he "is not asking discovery,"
18 Dkt. #53 at 18, and only asks that the documents he has provided "will be admissible evidence
19 as it comes in to support [his] claim to help the Court come to a conclusion in this matter," *id.* at
20 19. However, as there is no pending dispositive motion before the Court, there is nothing for
21 plaintiff to supplement. On May 15, 2009, the Court adopted United States Magistrate Judge
22 Mary Alice Theiler's Report and Recommendation denying summary judgment as to defendants
23 Kieland, Micic, and Connelly. Therefore, unless the parties agree on a settlement at any point,
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27 ORDER DENYING PLAINTIFF'S
28 MOTION TO SUPPLEMENT – 1

1 plaintiff's claims against these defendants will go forward to trial. At trial, plaintiff may offer
2 into evidence any documents or exhibits in support of his claim. The Court will determine the
3 admissibility of each piece of evidence at that time.
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5 The Court, therefore, DENIES plaintiff's motion to supplement (Dkt. # 48). The Court
6 further VACATES its Order Regarding Initial Disclosures, Joint Status Report, and Early
7 Settlement (Dkt. #59). The Court will issue a case scheduling order to arrange a trial date.
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10 DATED this 22nd day of May, 2009.
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18 Robert S. Lasnik
19 United States District Judge
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