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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES HALL, *et al.*,

Plaintiffs,

v.

COUNTY OF WHATCOM, *et al.*,

Defendants.

No. C09-1545RSL

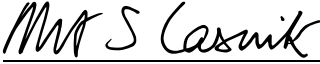
ORDER DENYING DEFENDANTS'
MOTION FOR RULE 11 SANCTIONS

This matter comes before the Court on “Defendants Whatcom County’s and Wrights’ Motion for Sanctions Under CR 11.” Dkt. # 146. At the urging of the Court, plaintiffs dropped some (or possibly all) of their claims against Tara Wright at oral argument on November 15, 2011. Three days later, defendants filed this motion seeking sanctions. Plaintiffs have filed a motion for an extension of time in which to respond to the motion. Dkt. # 151.

Defendants did not comply with the technical requirements of Rule 11. Defendants claim that they sent a letter to plaintiffs’ counsel in March 2011 notifying counsel “of the possibility of CR 11 sanctions with regard to their claims against Tara Wright in her

1 individual capacity.” Decl. of Randall J. Watts (Dkt. # 147 at ¶ 4).¹ Because the “safe harbor”
2 requirements of Rule 11(c)(2) are mandatory, informal warnings threatening a motion for
3 sanctions are insufficient. Radcliffe v. Rainbow Constr. Co., 254 F.3d 772, 788-89 (9th Cir.
4 2001). There being no indication that the motion, as subsequently filed, was served on
5 plaintiffs at least 21 days before filing, defendants’ motion for Rule 11 sanctions (Dkt. # 147) is
6 DENIED. Plaintiffs’ motion for an extension of time in which to respond (Dkt. # 151) is
7 DENIED as moot.

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9 Dated this 13th day of December, 2011.

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11 Robert S. Lasnik
12 United States District Judge

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25 ¹ Despite his statement to the contrary, a copy of the letter was not appended to Mr. Watts’
26 declaration.