

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

8 CAROLYN ANDERSON,

9 Plaintiff,

10 v.

11 DOMINO'S PIZZA INC., DOMINO'S
12 PIZZA, LLC, FOUR OUR FAMILIES,
13 INC., and CALL-EM-ALL, INC.,

14 Defendants.

NO. C11-902RBL

PLAINTIFF'S MOTION TO BE
RELIEVED OF DEADLINE UNDER
W.D. WASH. LOCAL RULE 7(d)(2)(A)

NOTED ON MOTION CALENDAR:
March 23, 2012

15 **I. RELIEF REQUESTED**

16 Plaintiff moves the Court under W.D. Wash. Local Rule 7(d)(2)(A) for an extension of
17 the time to file her opposition to the Motion for Summary Judgment of Defendants Domino's
18 Pizza, Inc. and Domino's Pizza, LLC ("Domino's"). Without an extension, Plaintiff's
19 opposition would be due on March 26, 2012.

20 **II. STATEMENT OF FACTS**

21 Domino's filed its Motion for Summary Judgment on November 28, 2011 (Dkt. #23).
22 Claiming she needed additional discovery in order to respond, Plaintiff requested to be relieved
23 of the deadline to oppose Domino's Motion. The request was opposed but this Court granted the
24 motion and ordered that the Summary Judgment Motion was to be renoted for March 30, 2012.

25 In order to oppose the Summary Judgment Motion, Plaintiff propounded additional
26 discovery and noted two 30(b)(6) depositions. Domino's resisted providing responses to most of

PLAINTIFF'S MOTION TO BE RELIEVED OF DEADLINE
UNDER W.D. WASH. LOCAL RULE 7(d)(2)(A)
(Case No. NO. C11-902 RBL)

**WILLIAMSON
& WILLIAMS** | 17253 AGATE STREET NE
BAINBRIDGE ISLAND, WA 98110
(206) 780-4447
(206) 780-5557 (FAX)
www.williamsllaw.com

1 the written discovery and filed for a protective order (Dkt. #45), which Plaintiff opposed. That
2 motion was noted for January 20, 2012 and the Court has not yet ruled. The two witnesses
3 designated by Domino's for FRCP 36(b)(6) testimony were not adequate nor had they prepared
4 in any meaningful fashion. (Declaration of Rob Williamson filed in support of this motion).
5 Plaintiff intends to bring a motion to compel Domino's to designate proper witnesses who come
6 prepared and ready to testify on the subjects itemized in the deposition notices.
7

8 Realizing that the time to file further briefing was approaching, and without responses to
9 the written discovery and proper FRCP witnesses, Plaintiff requested that Domino's agree to
10 extend the time for further briefing until some date after this Court rules on the pending motion
11 for protective order and to designate proper FRCP 30(b)(6) witnesses. The first request was
12 made via email on February 25, 2012. A second was made via email on March 4, 2012, a third
13 via email on March 8, 2012. A telephone message was also left on March 7, 2012. Domino's
14 did not respond to any of these requests, negatively or otherwise. (Declaration of Rob
15 Williamson).
16

17 III. ISSUE

18 Should the Court permit Plaintiff additional time to respond to the Summary Judgment
19 Motion of Domino's so that the Court can rule on the pending motion for protective order
20 brought by Domino's and the request to be made by Plaintiff that Domino's produce proper
21 FRCP 30(b)(6) witnesses?
22

23 IV. LEGAL AUTHORITY

24 Local Rule 7(d)(2)(A) authorizes this motion. Discovery related to the Summary
25 Judgment Motion is required before Plaintiff can respond to it. Domino's has refused to provide
26 the discovery and has evaded its responsibilities to provide proper FRCP 30(b)(6) witnesses.

1 Defendant will suffer no prejudice by providing information and evidence that, under the
2 law, is relevant and admissible to the issues raised by the Summary Judgment Motion.
3 Requiring Plaintiff to respond to that Motion, however, without the requisite discovery, will
4 produce hardship and prejudice.
5

6 **V. CONCLUSION**

7 Plaintiff asks the Court to relieve Plaintiff of the deadline to respond to the Summary
8 Judgment Motion and to renote the Motion for 90 days after the Court rules on the pending
9 motion for protective order that has been filed by Domino's.
10

11 DATE: March 13, 2012.

12 WILLIAMSON & WILLIAMS
13 /s/ Rob Williamson
14 Rob Williamson, WSBA #11387
15 Kim Williams, WSBA #9077
16 WILLIAMSON & WILLIAMS
17 17253 Agate Street NE
18 Bainbridge Island, WA 98110
19 Telephone: (206) 780-4447
20 FAX: (206) 780-5557
21 roblin@williamslaw.com
22 kim@williamslaw.com
23 Attorneys for Plaintiff
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 13, 2012, I electronically filed the foregoing document
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing
4 to all counsel of record who receive CM/ECF notification, and that the remaining parties shall be
5 served in accordance with the Federal Rules of Civil Procedure.
6

7 Dated this 13th day of March, 2012

8
9 By /s/Rob Williamson
10 Rob Williamson, WSBA #11387
11 17253 Agate Street NE
12 Bainbridge Island, WA 98110
13 Telephone: (206) 780-4447
14 Fax: (206) 780-5557
15 Email: roblin@williamslaw.com
16
17
18
19
20
21
22
23
24
25
26