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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BEAUTYKO LLC; LINOI LLC; SHOP
11 FLASH USA INC.; BEAUTYKO USA INC.;
AND BENNOTI USA INC.,

12 Plaintiffs,

13 v.

14 AMAZON FULFILLMENT SERVICES,
15 INC.,

16 Defendant.

Case No. 16-355RSM

ORDER DENYING PLAINTIFFS'
SECOND MOTION FOR IN CAMERA
REVIEW

17 This matter comes before the Court on Plaintiffs' purported "Ex Parte Motion to Submit
18 Documents for In Camera Review." Dkt. #71. This Motion has been noted for same-day
19 consideration.
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21 On August 3, 2017, the Court granted a Motion filed by Plaintiffs' former attorneys to
22 withdraw as counsel, based in part on documents submitted for *in camera* review. Dkt. #59.
23 There was no evidence or argument before the Court that Plaintiffs in any way objected.
24 Plaintiffs now contend that the *in camera* materials contained privileged attorney-client
25 communications, that these materials were not provided to Plaintiffs before they were filed, that
26 Plaintiffs "did not know the in camera materials had been filed," and "did not have an
27 opportunity to respond to the in camera materials," or "to provide the Court with the complete
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1 context of the issues raised by the in camera materials.” *Id.* at 1–2. Although Plaintiffs now
2 state that they do “not seek to litigate or review the order grating [sic] Yarmuth Wilsdon’s
3 motion to withdraw as counsel,” Plaintiffs are “concerned that the one-sided nature of the
4 materials presented to the Court in the context of the motion by Beautyko’s former counsel to
5 withdraw as counsel, if not rebutted or corrected, risk impacting the Court’s decisions with
6 respect to Amazon’s current pending motions, including the motion for leave to file another
7 motion for summary judgment” and now seek leave to submit further materials to the court for
8 *in camera* review. *Id.* at 2. Plaintiffs cite to the Court’s statement during a brief telephone
9 hearing on August 30, 2017, that “your client may not be the easiest client to work with at this
10 point” as a basis for this Motion. *Id.* However, Plaintiffs also state that “the Court’s statement
11 may not have been prompted by the in camera submission by Beautyko’s former counsel but
12 rather by the circumstance of counsel seeking to withdraw as counsel so late in a case...” *Id.*
13 Plaintiffs request the court “evaluate this issue on an expedited *ex parte* basis...” *Id.* at 3.
14 Plaintiffs do not cite the Federal Rules of Civil Procedure or this Court’s Local Rules; there are
15 no citations to legal authority of any kind.
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19 It was procedurally improper for Plaintiffs to seek this relief on an *ex parte* basis and to
20 note this Motion for consideration on the day it was filed. However, the Court need not grant
21 Defendants an opportunity to respond because the Court can easily deny the requested relief
22 without further briefing.
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24 The prior *in camera* documents were reviewed for one purpose only: to rule on the
25 Motion to Withdraw before the Court at the time. *See* Dkt. #59 at 3. They will not be re-
26 examined in the context of any other issue in this case. Plaintiffs have no legal basis to submit
27 additional materials to the Court for *in camera* review to purportedly aid the Court in
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1 determining substantive, potentially dispositive issues in pending or forthcoming motions. Any
2 potential benefit to the Plaintiffs for submitting these materials *in camera* is easily outweighed
3 by the prejudice to Defendant of allowing a clandestine tête-à-tête between Plaintiffs and the
4 Court on issues that veer into the substantive.

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6 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
7 finds and ORDERS that Plaintiffs' Second Motion for In Camera Review, Dkt. #71, is
8 DENIED.

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10 DATED this 19 day of September, 2017.

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15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
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