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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SABELITA HAWKINS,

Plaintiff,

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

CASE NO. C16-0498JLR

ORDER

I. INTRODUCTION

Before the court is Defendant the United States of America’s (the “United States”) motion for a protective order under Federal Rule of Civil Procedure 26(c). (Mot. (Dkt. # 72); Reply (Dkt. # 74).) The United States argues that Plaintiff Sabelita Hawkins should be forbidden from seeking discovery related to liability because the deadline for liability discovery expired on February 13, 2023. (Mot.) Ms. Hawkins does not address the substance of the United States’s motion in her limited response. (*See generally* Resp.

1 (Dkt. # 73.) Instead, she asks the court to extend her deadline to respond to the motion
2 until after October 10, 2024, due to her back surgery on September 26, 2024. (*Id.* at 2.)
3 The court DENIES Ms. Hawkins’s request for an extension and GRANTS the United
4 States’s motion for a protective order.

5 II. BACKGROUND

6 On November 22, 2021, the Ninth Circuit Court of Appeals issued a mandate
7 reversing the court’s dismissal of Ms. Hawkins’s complaint and remanding the matter
8 back to this court. (*See* 9th Cir. Opinion (Dkt. # 49); Mandate (Dkt. # 50); *see also*
9 9/30/19 Order (Dkt. # 42).) After the matter returned to this court, the parties engaged in
10 settlement discussions until June 2022, when they alerted the court that there was no
11 likelihood of settlement and asked for a trial date in June 2023. (6/10/22 Status Report
12 (Dkt. # 59) (representing that the parties “contemplate[d] needing to conduct additional
13 discovery, including expert witness depositions, in preparation for trial”).¹) The court
14 granted the parties’ motion and entered a scheduling order setting trial on June 12, 2023,
15 and the discovery completion deadline on February 13, 2023. (6/24/22 Sched. Order
16 (Dkt. # 60).)

17 On January 13, 2023, the parties submitted a joint status report regarding “recently
18 discovered” additional treatment providers whom Ms. Hawkins had not previously
19 disclosed. (1/13/23 Status Report (Dkt. # 61).) Shortly thereafter, the parties filed a
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21 ¹ The parties had already engaged in discovery in this matter before the court dismissed
22 Ms. Hawkins’s claims. (*See, e.g.*, 5/22/17 Stip. Mot. (Dkt. # 14) (seeking an extension of the
discovery deadline to allow time for the parties to schedule certain depositions).)

1 stipulated motion in which they sought an extension of the trial date and pretrial
2 deadlines because the United States “need[ed] to collect and review the records of these
3 additional treatment providers” and because the parties “need to update the damage
4 discovery following the receipt of these records.” (2/3/23 Stip. (Dkt. # 63) at 2; *see also*
5 *id.* at 3 (“The February 13, 2023 discovery deadline does not provide the Parties
6 sufficient time to prepare discovery and update the damage discovery following the
7 receipt of the Plaintiff’s records.”).) Based on the parties’ representation that the
8 continuance was necessary to “update the damage discovery,” the court granted the
9 stipulated motion. (*See* 2/6/23 Order (Dkt. # 64) at 5 (entering the parties’ proposed
10 order).) The court continued the parties’ trial to June 3, 2024, and reset the discovery
11 completion deadline on February 5, 2024. (*See* 2/7/23 Sched. Order (Dkt. # 65).)

12 On January 29, 2024—just one week before the new discovery deadline—the
13 parties filed a stipulated motion in which Ms. Hawkins sought, and the United States did
14 not oppose, a further continuance of the trial date and related pretrial deadlines. (1/29/24
15 Stip. (Dkt. # 66) at 1.) Ms. Hawkins represented that the extension was necessary for the
16 following reasons:

- 17 (1) Parties received, nearly three thousand pages, of the discovery from the
18 Plaintiff’s, Ms. Sabelita Hawkins, additional treatment providers, which
19 were not previously disclosed in 2016; (2) The United States has already
20 collected and reviewed the updated discovery; (3) the United States will need
21 to respond to the Plaintiff’s Supplemental Interrogatories; (4) the United
22 States need to depose Ms. Hawkins to inquire into the additional records and
following the receipt of these records.

1 | continuances solely for the purpose of updating damages discovery; and that the parties
2 | indeed have not conducted any liability-related discovery since before that deadline
3 | expired. (*See id.* at 3.) Thus, the United States contends that it is entitled to a protective
4 | order forbidding any further liability-related discovery and ordering that the United States
5 | is not required to respond to the Ms. Hawkins’s latest requests for admission. (*Id.* at 4.)

6 | The court has discretion to issue a protective order forbidding or limiting
7 | discovery to protect a party from undue burden or expense. Fed. R. Civ. P. 26(c)(1)(A).
8 | Based on the parties’ representations in their February 3, 2023 and January 29, 2024
9 | stipulated motions, the court understood that the requested extensions were for the
10 | purpose of completing damages discovery only. The court relied on those representations
11 | when it granted the motions and twice continued the trial date and discovery deadline.

12 | Ms. Hawkins’s attorney does not explain why she could not have responded
13 | substantively to the United States’s motion between September 20, 2024, and September
14 | 26, 2024 (*see Resp.* at 1-2 (acknowledging that the United States served a copy of the
15 | filed motion on counsel on September 20)), and the court concludes that there is nothing
16 | Ms. Hawkins could say in a further response to the United States’s motion that would
17 | influence its analysis. Therefore, having reviewed the parties’ submissions, the relevant
18 | portions of the record, and the governing law, the court DENIES Ms. Hawkins’s request
19 | for an extension of time to file her response (Dkt. # 73) and GRANTS the United States’s
20 | motion for a protective order (Dkt. # 72). The court ORDERS that neither party shall
21 | serve any further discovery in this case related to liability; that the United States need not
22 |

1 respond to Ms. Hawkins's September 6, 2024 requests for admission; and that the
2 deposition of the United States's expert witness on liability shall not go forward.

3 Dated this 9th day of October, 2024.

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6 JAMES L. ROBART
United States District Judge

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