

1 THE HONORABLE JOHN C. COUGHENOUR

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

9 ROBERT FINBAR BROWN,

CASE NO. C16-0626-JCC

10 Plaintiff,

ORDER

11 v.

12 PEACEHEALTH ST. JOSEPH HOSPITAL, *et*
13 *al.*,

14 Defendants.

15
16 This matter comes before the Court on Defendant PeaceHealth's motion for sanctions
17 (Dkt. No. 37). Having thoroughly considered the parties' briefing and the relevant record, the
18 Court hereby DENIES the motion for the reasons explained herein.

19 The facts of this case have been detailed in previous orders and the Court will not repeat
20 them here. (*See* Dkt. Nos. 24, 44.) After the Court resolved Plaintiff's lawsuit and subsequent
21 motion to vacate the judgment, Defendant PeaceHealth now moves the Court for sanctions
22 pursuant to Federal Rule of Civil Procedure 11. (*See* Dkt. No. 37.)

23 Federal Rule of Civil Procedure 11 provides that:

24 By presenting to the court a pleading, written motion, or other paper[, an] . . .
25 unrepresented party certifies that to the best of the person's knowledge,
26 information, and belief, formed after an inquiry reasonable under the
circumstances: (1) it is not being presented for any improper purpose, such as to
harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the

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1 claims, defenses, and other legal contentions are warranted by existing law or by a
2 nonfrivolous argument for extending, modifying, or reversing existing law or for
3 establishing new law; (3) the factual contentions have evidentiary support or, if
4 specifically so identified, will likely have evidentiary support after a reasonable
opportunity for further investigation or discovery; and (4) the denials of factual
contentions are warranted on the evidence or, if specifically so identified, are
reasonably based on belief or a lack of information.

5 Fed. R. Civ. P 11(b). If a party fails to comply with Rule 11(b), sanctions may be imposed. *See*
6 Fed. R. Civ. P. 11(c).

7 Defendant argues that sanctions are appropriate because Plaintiff's most recent motion
8 for relief from judgment violates Federal Rules of Civil Procedure 11(b)(1), (2), and (3). (Dkt.
9 No. 37 at 3.) The Court finds that Plaintiff's most recent motion does not violate Rule 11(b) such
10 that sanctions are warranted. With regard to Defendant's argument that sanctions are warranted
11 under Rule 11(b)(1), Plaintiff's litigation history has not been harassing and the burden on
12 Defendant has not been great. The Court granted Defendant PeaceHealth's first motion to
13 dismiss (Dkt. No. 18) and Defendant PeaceHealth has subsequently only had to defend against
14 an appeal (Dkt. No. 27) and one motion to vacate the judgment (Dkt. No. 34). The Court
15 likewise finds that Rule 11(b)(2) does not warrant sanctions because Plaintiff's motion, even if
16 based on facts known to Plaintiff at the time of filing his lawsuit, was not frivolous. Proceeding
17 *pro se*, Plaintiff does not benefit from a deep understanding of the law that an attorney possesses.
18 Finally, the Court does not find that sanctions are appropriate under Rule 11(b)(3) because the
19 lawsuit never got past the motion to dismiss stage and discovery was minimal, (*see* Dkt. No. 24),
20 so Plaintiff could not benefit from an arsenal of evidentiary support in filing his most recent
21 motion. The motion decided by the Court did not lack evidentiary support such that sanctions are
22 warranted. (*See* Dkt. No. 34.)

23 For the foregoing reasons, Defendant's motion for sanctions (Dkt. No. 37) is DENIED.

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DATED this 1st day of April 2019.

A handwritten signature in black ink, reading "John C. Coughenour". The signature is written in a cursive style and is positioned above a solid horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

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