

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ALBERT VIESSE,

11 Plaintiff,

v.

12 TACOMA SCREW PRODUCTS, INC.,

13 Defendant.

14 CASE NO. C16-1026-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Plaintiff's *ex parte* motion for relief (Dkt. No. 38).
18 Specifically, Plaintiff asks the Court to strike Defendant's motion to dismiss (Dkt. No. 35) or
19 vacate all briefing and hearing dates in connection with the motion. (*Id.* at 2.)

20 Recently, this Court issued an order based on the parties' stipulated motion to continue
21 the class certification briefing schedule. (Dkt. No. 34.) In the parties' stipulated motion, they
22 informed the Court that they would participate in mediation by August 31, 2017 and provide the
23 Court with a status update by September 6, 2017. (Dkt. No. 33.) In the Court's order, it directed
24 the Clerk to statistically close this case until it received the post-mediation status update. (Dkt.
25 No. 34.)

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Defendant then brought a motion to dismiss (Dkt. No. 35) and noted it for August 25, 2017. (Dkt. No. 37.) Plaintiff maintains this was in violation of a court order. (Dkt. No. 38.) However, the Court did not stay all proceedings, but rather directed the Clerk to statistically close the case. (Dkt. No. 34.) Defendant was therefore free to bring a motion to dismiss. The Court also notes that Defendant renoted the motion to dismiss such that mediation will still have an opportunity to proceed. The parties have agreed to mediate by August 31, 2017. Because the motion to dismiss will not be ripe for the Court's review until end of day, August 25, 2017, a ruling will not be forthcoming prior to August 31, 2017. In the interest of judicial economy and expediency, Plaintiff's motion to strike or stay Defendant's motion to dismiss (Dkt. No. 38) is DENIED.

Plaintiff's response is due Monday, August 21, 2017. Defendant's reply, if any, is due August 25, 2017. The Clerk is DIRECTED to remove the statistical closure of this case.

DATED this 18th day of July 2017.

William M. McCool
Clerk of Court

/s/Paula McNabb
Deputy Clerk