

1 HONORABLE RICHARD A. JONES  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 HENRY A. UMOUYO,

11 Plaintiff,

12 v.

13 BANK OF AMERICA, NA, et al.,

14 Defendants.  
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CASE NO. C16-1576 RAJ  
ORDER

16 This matter comes before the Court on Plaintiff's motion to compel. Dkt. # 42.  
17 Defendant Bank of America, N.A. ("BANA") opposes the motion. Dkt. # 45.

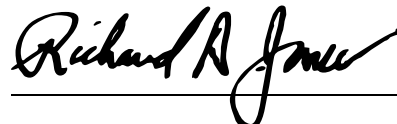
18 Plaintiff is confused about this Court's strict requirement to meet and confer with  
19 his opponents before filing a motion to compel. Plaintiff appears to believe that because  
20 BANA did not produce documents related to the subpoena, then it was futile for him to  
21 meet and confer prior to filing this motion. However, the motion to compel is Plaintiff's  
22 tool to attempt to force production of discovery materials. A motion to compel is  
23 procedurally distinct from a subpoena. Plaintiff was required under the Standing Order,  
24 Dkt. # 7 at 3, and Local Rule 37(a)(1) to meet and confer with BANA before filing this  
25 motion. Plaintiff concedes he failed to meet this requirement. This failure is fatal and the  
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1 Court has discretion to deny his motion on this ground alone. However, the motion also  
2 fails on the merits.

3 Plaintiff cites both Rule 45(d)(2)(B)(i) and Rule 37(a) as bases for relief. Dkt. ##  
4 42, 46. Under either Rule, the Court maintains broad discretion to control discovery.  
5 *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002); *see also Avila v. Willits Env'tl.*  
6 *Remediation Trust*, 633 F.3d 828, 833 (9th Cir. 2011), *In re Sealed Case*, 856 F.2d 268,  
7 271 (D.C. Cir. 1988), *Daimler Truck N. Am. LLC v. Younessi*, No. 08-MC-5011RBL,  
8 2008 WL 2519845, at \*2 (W.D. Wash. June 20, 2008). That discretion is guided by  
9 several principles. Most importantly, the scope of discovery is broad. A party must  
10 respond to any discovery request that is not privileged and that is “relevant to any party’s  
11 claim or defense and proportional to the needs of the case, considering the importance of  
12 the issues at stake in the action, the amount in controversy, the parties’ relative access to  
13 relevant information, the parties’ resources, the importance of the discovery in resolving  
14 the issues, and whether the burden or expense of the proposed discovery outweighs its  
15 likely benefit.” Fed. R. Civ. P. 26(b)(1).

16 Neither of Plaintiff’s production requests are related to the statute of limitations  
17 issue that is the basis of his suit. Plaintiff has not raised allegations that question  
18 BANA’s good faith or fair dealings. Accordingly, the Court finds that the discovery  
19 requests are not relevant, even under the most deferential standards. The Court therefore  
20 DENIES Plaintiff’s motion.

21 Dated this 26<sup>th</sup> day of June, 2018.  
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25 The Honorable Richard A. Jones  
26 United States District Judge  
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