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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT K. HARMON,

Plaintiff,

v.

MERIDIAN VALLEY CHIROPRACTIC
CLINIC, P.S., C. MICHAEL HUGHES, D.C.,
and RITA HUGHES, D.C.

Defendant.

ALLIED PROFESSIONALS INSURANCE
COMPANY, A RISK RETENTION GROUP,
INC.,

Garnishee.

Case No. C16-1723RSM

ORDER GRANTING MOTION TO STAY
AND ORDER TO SHOW CAUSE

This matter comes before the Court on Garnishee Defendant Allied Professional Insurance Company (“APIC”)’s Motion to Stay Proceedings in this Court pending resolution of a parallel first-filed lawsuit in the Central District of California, *APIC v. Harmon*, No. 8:16-cv-01864 JLS-KES (“the California Action”). Dkt. #22. APIC asks this Court to enter a stay “to allow the United States District Court for the Central District of California . . . to resolve the pending issues of arbitrability and personal jurisdiction. . .” *Id.* The Motion also requests “[i]f, as APIC expects, the judge in the California Action either grants APIC’s motion to compel

1 arbitration, or finds that she has jurisdiction and proceeds to the merits of the parties' dispute,
2 then the stay of this case should be converted to a dismissal without prejudice." *Id.* at 1-2.
3 Briefing is complete on the Motion to Stay, however the Court has not yet ruled. All other
4 pending motions in this case have been stayed pursuant to a stipulation of the parties. Dkt. #24.

5 On July 30, 2017, APIC filed a notice that "[o]n Friday, July 28, 2017, Judge Staton
6 entered an order in the California Action compelling arbitration and staying the action before
7 her pending completion of the arbitration." Dkt. #31 at 2 (citing attached July 28, 2017 Order).
8 APIC suggests that the Court dismiss the instant case without prejudice. *Id.*

9
10 The Court has reviewed the attached July 28, 2017, Order from the California Action
11 and finds that it compels these parties to go to arbitration on the underlying issues in this case.
12 The California Action also denied Mr. Harmon's Motion to Dismiss for lack of subject matter
13 jurisdiction and Motion to Stay or Transfer Case. *See* Dkt. #54 at 14. This Court will not allow
14 the same issues to proceed here as in the California Action and the underlying arbitration.
15 Accordingly, the Court will grant APIC's requested Motion to Stay. Furthermore, the Court
16 believes the instant matter should be dismissed without prejudice given the record. However,
17 given the new facts before the Court submitted by APIC, the Court will allow Mr. Harmon an
18 opportunity to respond and show cause why dismissal is not appropriate.
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21 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
22 finds and ORDERS:

- 23
24 (1) Defendant APIC's Motion to Stay Proceedings (Dkt. #22) is GRANTED.
25 (2) Plaintiff shall file a Response to this Order to Show Cause informing the Court of
26 any reason why dismissal without prejudice is inappropriate **no later than ten (10)**
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1 **days from the date of this Order. This Response may not exceed six (6) pages.**

2 Failure to file this Response will result in dismissal of this case.

3
4 DATED this 31 day of July, 2017.

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7 RICARDO S. MARTINEZ
8 CHIEF UNITED STATES DISTRICT JUDGE