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

10 DARREN DONAHUE,

11 Plaintiff,

12 v.

13 RED ROBIN INTERNATIONAL  
14 INC., et al.,

15 Defendants.

CASE NO. C17-0023JLR

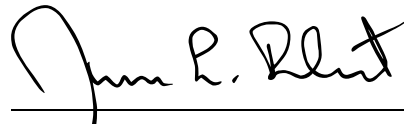
ORDER

16 On April 18, 2018, Plaintiff Darren Donahue filed a surreply to Defendants Harold  
17 Hart, Red Robin International Inc., and Red Robin Gourmet Burgers, Inc.’s (collectively,  
18 “Red Robin”) motion for summary judgment. (*See* Surreply (Dkt. # 68); MSJ (Dkt.  
19 # 29).) In the surreply, Mr. Donahue requests that the court strike two exhibits submitted  
20 with Red Robin’s reply. (Surreply at 1.) Mr. Donahue contends that Red Robin “failed  
21 to produce either of these documents in discovery although both were requested.” (*Id.*)  
22 Because the alleged failure to turn over these documents has unfairly prejudiced Mr.

1 Donahue, he asks the court not to consider either exhibit when ruling on Red Robin's  
2 motion. (*See id.* at 2.)

3 Under Local Civil Rule 7(g)(4), “[n]o response [to a surreply] shall be filed unless  
4 requested by the court.” Local Rules W.D. Wash. LCR 7(g)(4). The court ORDERS Red  
5 Robin to file a response to Mr. Donahue’s surreply no later than Friday, April 27, 2018,  
6 at 5:00 P.M. Red Robin shall limit its response to no more than three (3) pages and may  
7 only address Mr. Donahue’s contention that the two exhibits were requested but not  
8 turned over in discovery. (*See Surreply* at 1-2.) Mr. Donahue shall not file a response.

9 Dated this 20th day of April, 2018.

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12 JAMES L. ROBART  
13 United States District Judge  
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