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

10 CHRISTOPHER KING, J.D., et al.,

11 Plaintiffs,

12 v.

13 HON. STANLEY J. RUMBAUGH,

14 Defendant.
15

Case No. C17-00031-RSM

ORDER DENYING MOTION FOR
SANCTIONS

16 This matter comes before the Court on Plaintiffs Christopher King, J.D., Wally Brown,
17 and Chris Nubbe's Motion for Rule 11 Sanctions. Dkt. #27. The Court has determined that it
18 can rule on this Motion without further briefing.

19 On January 17, 2017, Defendant filed a Rule 12(b)(6) Motion. Dkt. #3. Plaintiffs filed
20 a response brief on January 31, 2017. Dkt. #9. The Court granted Defendant's Motion,
21 dismissed Plaintiff's claims, and closed this case on April 3, 2017. Dkt. #24. Plaintiffs have
22 subsequently moved for relief under Rule 59(e), and this Motion is pending before the Court.
23 Dkt. #26.
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25 Federal Rule of Civil Procedure 11(b) provides in full:
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27 By presenting to the court a pleading, written motion, or other
28 paper—whether by signing, filing, submitting, or later advocating
it—an attorney or unrepresented party certifies that to the best of

1 the person's knowledge, information, and belief, formed after an
2 inquiry reasonable under the circumstances: (1) it is not being
3 presented for any improper purpose, such as to harass, cause
4 unnecessary delay, or needlessly increase the cost of litigation; (2)
5 the claims, defenses, and other legal contentions are warranted by
6 existing law or by a nonfrivolous argument for extending,
7 modifying, or reversing existing law or for establishing new law;
8 (3) the factual contentions have evidentiary support or, if
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.

9 Fed. R. Civ. P. 11(b). A district court is vested with discretion whether or not to enter Rule 11
10 sanctions. *See Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 405, 110 S. Ct. 2447, 110 L.
11 Ed. 2d 359 (1990). “Rule 11 is an extraordinary remedy, one to be exercised with extreme
12 caution.” *Operating Eng’rs. Pension Trust v. A-C Co.*, 859 F.2d 1336, 1345 (9th Cir. 1988).
13 Plaintiffs’ Motion argues that certain factual contentions contained in Defendant’s previous
14 filings were presented for an improper purpose and/or do not have evidentiary support as
15 required by Rule 11(b)(1) and 11(b)(3). *See* Dkt. #27 at 4.
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18 The Court finds that Plaintiffs’ Rule 11 Motion essentially reargues the merits. The
19 Court has already reviewed the underlying facts in dismissing this case and agreed with
20 Defendant’s arguments. *See* Dkt. #24. Defendant’s representations to the Court had sufficient
21 evidentiary support and were not presented for an improper purpose, such as to harass
22 Plaintiffs. To the contrary, the record in this case is full of examples of harassment flowing in
23 the opposite direction. *See, e.g.*, Dkt. #24 at 5 n.2. Defendant’s representations do not
24 constitute “lies” based on Plaintiffs alleged evidence, or otherwise rise to the level of conduct
25 that is sanctionable under Rule 11. Plaintiffs’ requested relief, that Defendant retract
26 arguments and statements, convinces the Court that Plaintiff’s Motion is really being brought to
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1 relitigate the case. This case is closed—the Court will not order Defendant to “retract”
2 arguments or statements, nor is it clear that Rule 11 is an appropriate basis for such relief.

3 Having reviewed the relevant briefing, the declarations and exhibits attached thereto,
4 and the remainder of the record, the Court hereby finds and ORDERS that Plaintiffs’ Motion for
5 Rule 11 Sanctions (Dkt. #27) is DENIED.
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8 DATED this 9 day of May, 2017.

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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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