

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES M. BLAIR,

Plaintiff,

v.

CITY OF MERCER ISLAND,

Defendant.

CASE NO. C17-0265-JCC

MINUTE ORDER

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

This matter comes before the Court on Plaintiff's Memorandum in Support of Motion for Discovery Sanctions (Dkt. No. 26), Plaintiff's Motion to Compel Discovery (Dkt. No. 27), and Defendant's Response (Dkt. No. 9). Pro se Plaintiff James M. Blair alleges that his former employer, Defendant City of Mercer Island, created a hostile work environment and wrongfully terminated him based upon his race. (Dkt. No. 1.) Defendant contends that it terminated Plaintiff for cause following Plaintiff's threatening and intimidating behavior. (Dkt. No. 29 at 1-2.) Plaintiff seeks production of Mercer Island City Hall security camera footage from June 5 and September 3, 2015 in an effort to rebut this contention. (Dkt. No. 25 at 5) (requests for production numbers 1 and 2).

Parties may seek discovery regarding any nonprivileged matter that is relevant to a

1 party's claim or defense. Fed. R. Civ. P. 26(b)(1). Under Rule 26, "relevant information need not
2 be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery
3 of admissible evidence." *Id.*

4 Defendant asserts it has provided Plaintiff all video footage responsive to his request.
5 (Dkt. No. 29 at 4.) Specifically, Defendant has provided Plaintiff video from June 5, 2015 and
6 conducted a search of recordings on September 13, 2015, finding no video responsive to
7 Plaintiff's request and, in fact, finding that no video existed prior to July 12, 2016. (Dkt. Nos. 29
8 at 4, 31-1 at 4.) But Plaintiff requested video from September 3, 2015. Not September 13, 2015.

9 Plaintiff's motion to compel (Dkt. No. 27) is GRANTED in part. The Court DIRECTS
10 Plaintiff to review its video archives for evidence responsive to Plaintiff's request for production
11 number 2, security camera footage for September 3, 2015 from the hours of 7 a.m. to 3 p.m., and
12 provide Plaintiff with responsive video, if any exists, within 14 days of this Order. If no
13 responsive video exists, Defendant should so advise Plaintiff. The court declines to compel
14 further production of video footage from June 5, 2015, as it appears that Defendant has already
15 complied with Plaintiffs request for production number 1. Plaintiff's motion for sanctions (Dkt.
16 No. 26) is DENIED. The Court finds no basis to warrant such sanctions.

17 DATED this 14th day of November 2017.

18 William M. McCool
19 Clerk of Court

20 s/Tomas Hernandez
21 Deputy Clerk
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