

1 THE HONORABLE JOHN C. COUGHENOUR

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

9 JAMES M. BLAIR,

CASE NO. C17-0265-JCC

10 Plaintiff,

MINUTE ORDER

11 v.

12 CITY OF MERCER ISLAND,

13 Defendant.
14

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

17 This matter comes before the Court on Plaintiff's untimely response (Dkt. No. 63) to
18 Defendant's motion for summary judgment (Dkt. No. 52). As the Court previously noted in its
19 summary judgment order, Plaintiff's response in opposition to Defendant's motion for summary
20 judgment was due May 14, 2018. (Dkt. No. 61 at 2.) Plaintiff failed to meet this deadline.

21 Therefore, the Court could have considered any facts asserted in Defendant's motion as undisputed.

22 (*Id.* at 3 n.3.) However, the Court elected to apply the legal standard when a non-moving party
23 opposes summary judgment: Defendant was required to present sufficient evidence to negate an
24 essential element of Plaintiff's claims. (*Id.* at 3.) Defendant met this standard. (*Id.* at 3–6.) None of
25 the facts included in Plaintiff's untimely opposition, or the evidence contained in its supporting
26 exhibits, rebut this evidence. (*See generally* Dkt. No. 63.)

