

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AKLILU YOHANNES,

Plaintiff,

v.

OLYMPIC COLLECTION INC. et al.,

Defendants.

Case No. 2:17-CV-509-RSL

ORDER DENYING
PLAINTIFF’S MOTION TO
COMPEL

This matter comes before the Court on plaintiff Aklilu Yohannes’ “Motion to Compel Nonparty Physicians Dental Credit Bureau.” Dkt. #90.

BACKGROUND


This case concerns an alleged debt owed from plaintiff to Baker Dental Implants & Periodontics (“Baker Dental”), dating back to 2005 or 2006. Plaintiff served nonparty Physicians Dental Credit Bureau (“PDCB”) with a subpoena for the production of documents on March 1, 2019. See Ex. 1, Dkt. #90-3; see Ex. 2, Dkt. #90-4. Plaintiff claims that his account was assigned by Baker Dental to PDCB in August 2003. Dkt. #90 at 5; see Dkt. #98 at 3. Defendant Farooq Ansari was the president of PDCB at that time. Id. In December 2005, Baker Dental was sold, and its name was changed to Song Periodontics & Implants. Dkt. #98 at 3. Plaintiff seeks this production to “prove that neither Baker Dental nor Song Periodontics assigned his account to OCI [Olympic Collection Inc.] ... that OCI is not the assignee of his account with Baker Dental[,] [and that] therefore, OCI was not a real party in interest when it

1 filed the state court action against him.” Dkt. #90 at 5. He seeks records pertaining to the
2 management of PDCB, contractual agreements between PDCB and Baker Dental or Song
3 Periodontics, payments made by PDCB to Baker Dental or Song Periodontics, and various
4 employee records. Ex. 1, Dkt. #90-3 at 10–12.

5 The Court has “broad discretion to manage discovery.” Avila v. Willits Envtl.
6 Remediation Tr., 633 F.3d 828, 833 (9th Cir. 2011). PDCB has responded that it does not have
7 any responsive documents relevant to Plaintiff’s subpoena requests. See Ex. 3, Dkt. #90-5; see
8 Dkt. #95. A party cannot be “compelled to provide information that [it] does not have.” Silva v.
9 McKenna, No. C11-5629 RBL/KLS, 2012 WL 1596971, at *4 (W.D. Wash. May 7, 2012).

10 For all the foregoing reasons, plaintiff’s motion is DENIED.

11 DATED this 29th day of July, 2019.

12
13
14 
15 Robert S. Lasnik
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28