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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 ABBY BEREKET, individually and on
8 behalf of all others similarly situated,

9 Plaintiff,

10 v.

11 PORTFOLIO RECOVERY ASSOCIATES,
12 LLC, *et al.*,

13 Defendants.

Case No. C17-0812RSM

ORDER OF CLARIFICATION

14 THIS MATTER comes before the Court on Plaintiff's request for clarification. Dkt. #49.
15 Plaintiff seeks clarification of recent Minute Orders issued by the Court after several duplicative
16 filings were made by Plaintiff. *Id.* Having reviewed the record before it, the Court now
17 CLARIFIES its prior Orders.
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19 As an initial matter, the Court notes that Plaintiff's counsel has consistently failed to
20 properly file documents through the Court's CM/ECF filing system. Indeed, the Court previously
21 advised Plaintiff's counsel to familiarize themselves with the Court's Local Rules and warned
22 Plaintiff's counsel that the failure to adhere to the Court's Local Rules with future filings may
23 result in those filings being stricken from the record. Dkt. #23 at 1, fn.2. Despite this warning,
24 Plaintiff's counsel has continued to file documents under the incorrect CM/ECF events, and has
25 admittedly filed duplicative documents due to filing errors on their end. *See* Dkt. #49. As a
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ORDER
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1 result, the docket is clogged with multiple documents, making it very difficult for anyone,
2 including the Court, to follow the current procedural posture of the pending motions.

3 As best the Court can discern, the following documents have been filed:

- 4 1. Plaintiff's Motion to Certify Class (Dkt. #33, Noted for Consideration on 2/16/18);
5 a. Defendant's Response and Supporting Declaration (Dkts. #36 and #37);
6 b. Plaintiff's Reply and Supporting Declaration (Dkts. #38 and #39).
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8 **Briefing is complete on this motion and the Court will consider it in due course.** No
9 further briefing shall be filed pertaining to this motion.

- 10 2. Defendant's Motion to Compel and Declaration in support thereof (Dkts. #34 and
11 #35; Noted for Consideration on 2/23/18);
12 a. Plaintiff's Response and Supporting Declarations (Dkt. #40; filed on 2/20/18
13 and which were incorrectly filed as a "Reply to Response to Motion and
14 Supplements");
15 b. Plaintiff's Response to Motion to Compel (Dkt. #42; filed on 2/21/18;
16 duplicative and without supplements);
17 c. Declaration of Counsel in Opposition to Motion to Compel (Dkt. #43; filed
18 on 2/21/18; duplicative, with exhibits);
19 d. Opposition to Motion to Compel filed by Non-Parties (Dkt. #44-2; filed on
20 2/21/18 with exhibits; filed as an attachment to a duplicative motion to quash);
21 e. Third Party Declaration in Opposition to Motion to Compel (Dkt. #44-3; filed
22 on 2/21/18 as supplement to duplicative motion to quash);
23 f. Declaration of Counsel in opposition to Motion to Compel (Dkt. #44-4; filed
24 on 2/21/18 as "summons declaration") to duplicative motion to quash)
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1 g. Defendant's Reply In Support of Motion to Compel (Dkt. #47).

2 **Briefing is complete on this motion and the Court will consider it in due course.** No
3 further briefing shall be filed pertaining to this motion.

- 4 3. Third-Party Rodriguez's Motion to Quash Subpoena filed by Plaintiff (Dkt. #41; filed
5 on 2/21/18 and improperly Noted for Consideration on 2/23/18)
- 6 a. Duplicate Motion to Quash (Dkt. #44);
 - 7 b. Plaintiff's Notice of Cross-Motion (Dkt. #44-1 improperly filed as separate
8 supplement);
 - 9 c. Third Party Memorandum of Law In Support of Motion to Quash (Dkt. #44-
10 2)
 - 11 d. Declaration of Counsel in support of Cross-Motion to Quash (Dkt. #44-4; filed
12 on 2/21/18 as "summons declaration" to duplicative motion to quash).

13 Having reviewed these documents, the Court hereby finds and ORDERS:

- 14 1. Plaintiff shall not file any further documents related to the pending motions.
- 15 2. The Clerk SHALL CORRECT the description of Plaintiff's Response to Defendant's
16 Motion to Compel (Dkt. #40), which was filed on 2/20/18 and which was incorrectly
17 filed as a "Reply to Response to Motion" The Clerk SHALL change the description
18 of this document to "Response to Motion to Compel."
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- 20 3. The Clerk SHALL STRIKE Dkts. #42, #43, #44-2, #44-3 and #44-4 as UNTIMELY.
21 Any responses to the Motion to Compel were due no later than 2/20/18. LCR 7(d)(3).
22 Thus, the Court will consider only those documents filed in response at Dkt. #40.
- 23 4. The Clerk SHALL STRIKE the Third Party Motion to Quash at Dkts. #41, #44, #44-
24 1, #44-2, #44-3 and #44-4). Mr. Rodriguez has failed to appear in this matter either
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1 *pro se* or through counsel. The motion itself does not qualify as a Notice of
2 Appearance, as set forth in the Court's Local Rules. LCR 83.2(a). The Court further
3 notes that it was improperly noted on the Court's calendar for two days after it was
4 filed in violation of the Court's Local Civil Rules. *See* LCR 7.

- 5 5. Prior to making any additional filings in this matter, PLAINTIFF'S COUNSEL
6 SHALL review the Court's Local Civil Rules, and the Court's Electronic Filing
7 Procedures, all of which are available on the Court's website. Plaintiff is hereby
8 warned that the continued filing of duplicative document and/or documents filed
9 under the incorrect CM/ECF filing events will result in those documents being
10 stricken from the record.
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12 DATED this 28 day of February, 2018.

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17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
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