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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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8 INGE T. ANDERSON,

9 Plaintiff,

10 v.

11 SCOTT ALAN ANDERSON,

12 Defendant.

NO. C17-0891RSL

ORDER DENYING PLAINTIFF'S
MOTION FOR DISCOVERY
SANCTIONS

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14 This matter comes before the Court on "Plaintiff's Motion for Discovery Sanctions." Dkt.
15 # 83. Plaintiff "requests sanctions be imposed against Defendant and his counsel for their failure
16 to disclose fundamental discovery in this matter as part of a continuing pattern of discovery
17 abuse, ignoring Court Orders and Court Rule violations, which has caused substantial prejudice
18 to Plaintiff in her preparations to go to trial on the merits of the case." Dkt. # 83 at 1. Other than
19 the fact that defendant failed to participate in a Rule 26(f) conference in October 2017, plaintiff
20 provides very few specifics regarding the alleged discovery violations or in support of her
21 allegations of contempt.

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23 At the time this motion was filed, there were four discovery-related motions pending,
24 including plaintiff's second motion to compel. Those motions have now been resolved. The
25 Court found that much of the information and documents sought by plaintiff had already been
26 provided, is not relevant to any of the remaining claims or defenses asserted in this litigation, is

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28 ORDER DENYING PLAINTIFF'S MOTION
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1 not proportional to the needs of the case, and/or cannot provide further avenues of inquiry now
2 that discovery is closed. Dkt. # 89 at 3. The fact that defendant resisted discovery that was, for
3 the most part, improper is not sanctionable. With regards to defendant's motions to quash
4 subpoenas, they were granted in large part with the caveat that if he intended to argue that the
5 calculation of the support he owes plaintiff under the I-894 contract should be reduced by the
6 amounts he has already transferred to plaintiff, he must produce responsive bank records
7 reflecting such transfers by March 28, 2019. Dkt. # 88 at 2. If further discovery violations have
8 occurred, they are not apparent from plaintiff's motion for sanctions.
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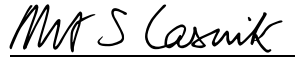
10 Plaintiff has failed to explain why she waited more than a year and a half to seek
11 sanctions for defendant's lack of participation in the Rule 26(f) conference¹ or why she filed this
12 discovery-related motion long after the deadline set by the Court. Dkt. # 63 at 3. Her avowed
13 concerns regarding the Court's expenditures of time and resources is contradicted by the filing of
14 this largely duplicative request for sanctions while four discovery motions were pending.
15 Finally, plaintiff has not justified her request for the imposition of the extreme sanction of
16 dismissal as punishment for failing to participate in the Rule 26(f) conference and/or other
17 unspecified discovery abuses. As plaintiff acknowledges, the exclusion of evidence not produced
18 during discovery is an appropriate and measured response to a failure to produce if that failure is
19 unjustified or results in prejudice to plaintiff.
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26 ¹ The United States, which was a defendant at the time the status report was filed, also did not
27 participate in the Rule 26(f) conference.

1 For all of the foregoing reasons, plaintiff's motion for discovery sanctions (Dkt. # 83) is
2 DENIED.

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4 Dated this 8th day of April, 2019.

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6 Robert S. Lasnik
7 United States District Judge
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