

1 THE HONORABLE JOHN C. COUGHENOUR

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

9 JOHN ANDREW FLOYD,

CASE NO. C17-1154-JCC

10 Plaintiff,

ORDER

11 v.

12 GEICO INSURANCE COMPANY,

13 Defendant.
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15 This matter comes before the Court on Defendant's motion for a protective order and/or
16 for clarification (Dkt. No. 25). Having thoroughly considered the parties' briefing and the
17 relevant record, the Court finds oral argument unnecessary and hereby GRANTS the motion for
18 the reasons explained herein.

19 This Court recently entered an order granting in part Plaintiff's motion to compel (Dkt.
20 No. 22). The order directed Defendant to provide "a full and adequate response to Interrogatory
21 No. 11 . . . on a nationwide basis for all Continuing Unit claims supervisors *similarly situated to*
22 Plaintiff." (*Id.* at 5) (emphasis added).¹ The parties disagree as to the scope of the Court's
23 directive. Plaintiff believes a response is required for all entries of default judgment. (*See*
24

25 ¹ Plaintiff's Interrogatory No. 11 sought comparator information, namely disciplinary
26 actions taken against Claims Unit supervisors following an entry of default judgment on cases
they oversaw. (Dkt. Nos. 13 at 5, 15-12 at 8.)

1 *generally* Dkt. No. 28.) Defendant believes a response is required only for entries of default
2 judgment on claims not yet referred to counsel and for which Defendant had not yet disclaimed
3 coverage. (*See generally* Dkt. Nos. 25, 30.) It is undisputed that neither Plaintiff nor his
4 subordinate had referred the claim to legal counsel or disclaimed coverage when default
5 judgment was entered. (Dkt. No. 25 at 7–9.)

6 The Court CLARIFIES that for purposes of its prior order (Dkt. No. 22), a Claims Unit
7 supervisor is only *similarly situated* to Plaintiff if he or she supervised a claim in which a default
8 judgment was entered before (1) it was referred to counsel or (2) Defendant disclaimed coverage.
9 Accordingly, Defendant’s motion for a protective order (Dkt. No. 25) is GRANTED. Discovery
10 need not be provided on entries of default judgment occurring after a Claims Unit had referred
11 the claim to legal counsel or Defendant disclaimed coverage.

12 DATED this 7th day of June 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line. The signature is cursive and includes a long, sweeping underline that extends to the right.

John C. Coughenour
UNITED STATES DISTRICT JUDGE