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

9 KYONG OK YU, *et al.*,

10 Plaintiffs,

11 v.

12 FIVE BOARS, LLC., *et al.*,

13 Defendants.

Case No. C17-1249-JPD

ORDER GRANTING PLAINTIFFS'
AMENDED MOTION FOR
CONTEMPT OF COURT AND
IMPOSING SANCTIONS

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15 This matter comes before the Court upon plaintiffs' April 4, 2018 Amended Motion for
16 Contempt of Court. Dkt. 24. Specifically, plaintiffs argue that defendants have failed to comply
17 with the Court's Order dated March 20, 2018 directing defendants to amend their responses to
18 plaintiffs' First Set of Interrogatories and Requests for Production, and produce the documents
19 pursuant to those requests by no later than Friday, March 30, 2018. Dkt. 21. The Court has
20 considered plaintiffs' amended motion, defendants' opposition, plaintiffs' reply, defendants'
21 surreply, the governing law, and the balance of the record, and finds that good cause exists for
22 granting plaintiffs' amended motion and imposing sanctions against defendants. Dkt. 24.

23 Accordingly, the Court ORDERS as follows:

24 (1) Plaintiffs' amended motion for contempt, Dkt. 24, is GRANTED.¹ Defendants'

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26 ¹ The Court STRIKES plaintiffs' April 2, 2018 motion, Dkt. 22, as MOOT, in light of plaintiffs' filing of the instant amended motion.


1 assertion that their CPA is in possession of the requested documents, and has obstinately refused
2 to produce them despite having received express authorization from defendants to do so, is an
3 insufficient excuse for defendants' failure to timely and fully comply with the Court's previous
4 Order. Defendants did not even attempt to subpoena the documents from their CPA until April
5 4, 2018, the date that plaintiff filed the instant motion for contempt, despite the fact that the
6 Court previously imposed a deadline for production of March 30, 2018. Dkt. 30 at 3.

7 (2) Due to defendants' failure to abide by their discovery obligations and this Court's
8 prior Order, defendants are ORDERED to pay plaintiffs \$3,500 by no later than **Monday, May**
9 **7, 2018**. In addition, defendants shall amend their responses to plaintiffs' First Set of
10 Interrogatories and Requests for Production and produce all documents and records requested by
11 plaintiffs by no later than **Monday, May 14, 2018**.²

12 (3) **If defendants fail to fully comply with this Order, the Court will impose**
13 **additional sanctions pursuant to Rule 37(d)(1)(A), including potentially entering a default**
14 **judgment against defendants in this matter.**

15 (4) The Clerk is directed to send a copy of this Order to counsel for both parties.

16 DATED this 30th day of April, 2018.

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20 JAMES P. DONOHUE
21 United States Magistrate Judge
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24 ² The Court agrees with defendants' argument in the surreply that several lines of
25 plaintiff's reply brief (Page 3, Line 14 through Page 4, Line 13) should be stricken for raising
26 new arguments not presented in the amended motion for contempt. As a result, plaintiffs' "new
argument" about the manner in which defendants produced hotel receipts was not considered by
the Court in resolving the instant motion.