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

9 HANNA V. CONGER,
10 Plaintiff,

11 v.

12 K&D FISHERIES LLC, *et al.*,
13 Defendants.

14 Case No. C17-1270RSM

15 MINUTE ORDER STRIKING MOTION

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17 The following MINUTE ORDER is made by direction of the Court, the Honorable
18 Ricardo S. Martinez, Chief United States District Judge:

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20 On October 15, 2017, Defendant K&D Fisheries LLC filed its Answer to the
21 Complaint in this matter. Dkt. #18. The next day, the same Defendant filed a Motion to
22 Dismiss for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure
23 12(b)(2), or in the alternative, for improper venue pursuant to Rule 12(b)(3). Dkt. #19.

24
25 Federal Rule of Civil Procedure 12(b) sets out seven defenses that must be asserted in
26 a responsive pleading if one is required. The Rule further provides that a “motion asserting
27 any of these defenses **must be made before pleading if a responsive pleading is allowed.** .
28 . . Fed. R. Civ. Pro. 12(b) (emphasis added). The Federal Rules of Civil Procedure are clear

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30 MINUTE ORDER- 1

1 that the defenses now raised by Defendant must be asserted in a motion filed prior to filing
2 the Answer to the Complaint. Defendant did not do so.
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4 Accordingly, the Court STRIKES Defendant's pending Motion to Dismiss (Dkt. #19)
5 as untimely.

6 DATED this 17th day of October, 2017.
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8 WILLIAM McCOOL, Clerk
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10 By: /s/ Paula McNabb
11 Deputy Clerk
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