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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,

Case No. C17-1270RSM

11  
12 v.

MINUTE ORDER STRIKING MOTION

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

19 On October 15, 2017, Defendant K&D Fisheries LLC filed its Answer to the  
20 Complaint in this matter. Dkt. #18. The next day, the same Defendant filed a Motion to  
21 Dismiss for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure  
22 12(b)(2), or in the alternative, for improper venue pursuant to Rule 12(b)(3). Dkt. #19.  
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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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MINUTE ORDER– 1

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that the defenses now raised by Defendant must be asserted in a motion filed prior to filing the Answer to the Complaint. Defendant did not do so.

Accordingly, the Court STRIKES Defendant’s pending Motion to Dismiss (Dkt. #19) as untimely.

DATED this 17<sup>th</sup> day of October, 2017.

WILLIAM McCOOL, Clerk

By: /s/ Paula McNabb  
Deputy Clerk