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

8 JENNIFER SANCHEZ,

9 Plaintiff,

10 v.

11 KIRSTJEN NIELSEN, Secretary,
12 United States Department of Homeland
13 Security, Immigration and Customs
14 Enforcement,

15 Defendant.

C17-1353 TSZ

MINUTE ORDER

16 The following Minute Order is made by direction of the Court, the Honorable
17 Thomas S. Zilly, United States District Judge:

18 (1) Plaintiff's Second Motion to Compel, docket no. 44, is DENIED.
19 Plaintiff's deposition notice identified the following topics relevant to Plaintiff's motion:
20 (1) "[d]iscipline and/or corrective action taken against" several specified employees, (2)
21 "Defendant's policy or protocol regarding internal audits and/or investigations of agents
22 at ICE," and (3) "Defendant's policy or protocol regarding the administration of
23 discipline for agents at ICE." Declaration of Aubrie D. Hicks in Support of Plaintiff's
24 Second Motion to Compel, docket no. 44-2, Ex. A. Defendant's representative, Michael
25 Melendez, testified at length over the course of a day on these topics. In those instances
26 where Melendez was unable to answer specific questions, those questions strayed from
27 the topics listed in the deposition notice. Contrary to Plaintiff's assertion, the notice did
28 not identify investigations of specific employees as a potential topic (as opposed to
29 discipline and/or corrective action taken against specific agents and ICE policy regarding
30 employee investigations), nor did it identify decisions declining to impose discipline as a

1 potential topic.¹ The Court’s prior Minute Order granting Plaintiff’s first motion to
2 compel did not broaden the definition of “discipline” to include investigations or forms of
3 discipline not imposed in specific instances. January 7, 2019 Minute Order, docket
4 no. 40, at 2.

5 (2) The Court declines to award attorneys’ fees in connection with this motion.
6 See Fed. R. Civ. P. 35(a)(5)(B).

7 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
8 record.

9 Dated this 22nd day of May, 2019.

10 William M. McCool
11 Clerk

12 s/Karen Dews
13 Deputy Clerk

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21 ¹ Plaintiff could have identified these topics in its deposition notice or could have
22 deposed fact witnesses familiar with specific investigations and decisions not to impose
23 discipline. That Plaintiff opted not to do so does not mean Melendez was inadequately prepared
to testify regarding the topics listed.