

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OLEG CHURYUMOV,

Plaintiff,

V.

AMAZON CORPORATE LLC, et al.,

## Defendants.

CASE NO. C19-136 RSM

## ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF FROM DEADLINE

This matter is before the Court on Plaintiff's Motion for Relief from Deadline. Dkt. #12.

Plaintiff seeks a 30-day extension to respond to Defendants' Motion to Dismiss because he lost electronic and paper records related to this action and cannot easily reacquire them, was still seeking to serve certain Defendants which would affect Defendants' Motion to Dismiss, and had requested documents from the Equal Employment Opportunity Commission. *Id.* Defendants indicated they would have stipulated to a five-day extension, but vigorously oppose Plaintiff's request for 30 days. Dkt. #16. Finding good cause, the Court grants Plaintiff's Motion.

Pro se Plaintiff filed this action in state court December 28, 2018. Dkt. #1-2. The matter was removed to this Court on January 30, 2019 and one-week later Defendants filed their Motion to Dismiss, noting it for consideration on March 1, 2019. Dkts. #1 and #8. Plaintiff's response was therefore due no later than February 25, 2019. LCR 7(d)(3).

## ORDER – 1

1 By local rule, “[a] motion for relief from a deadline should, whenever possible, be filed  
2 sufficiently in advance of the deadline to allow the court to rule on the motion prior to the  
3 deadline. Parties should not assume that the motion will be granted and must comply with the  
4 existing deadline unless the court orders otherwise.” LCR 7(j).

5 Plaintiff filed his Motion for Relief from Deadline on February 19, 2019 and properly  
6 noted it for consideration on March 1, 2019. Dkt. #12. Because Plaintiff’s Motion was noted  
7 for consideration after the deadline from which he sought relief, Plaintiff prudently responded to  
8 Defendants’ Motion, indicating that he did not “cancel his request for time extension.” Dkt. #15  
9 at 1. Defendants argue that Plaintiff’s timely response renders his Motion moot. Dkt. #16 at 1.  
10 But Plaintiff’s timely response in the absence of an extension from the Court was consistent with  
11 Local Civil Rule 7(j) and the Court does not agree that Plaintiff’s response—which clarified he  
12 did not abandon his Motion—renders his Motion moot.

14 Defendants further fault Plaintiff for waiting thirteen days before filing his Motion and  
15 for engaging in protest outside of Amazon buildings during that time. *Id.* at 3–5. The Court will  
16 not fault a pro se Plaintiff for not devoting all his time to this lawsuit, especially where he spends  
17 that time pursuing alternative avenues of relief. Even if Plaintiff could or should have filed his  
18 Motion earlier and noted it for consideration before his response deadline, the Court will not fault  
19 a pro se Plaintiff for minor procedural errors. *See Draper v. Coombs*, 792 F.2d 915, 924 (9th  
20 Cir. 1986) (pro se litigants granted leniency in compliance with “the technical rules of civil  
21 procedure”).

23 The Court also does not agree that Plaintiff’s request for additional time to gather  
24 unspecified documents is unwarranted because pro se Plaintiff “fails to note” that “generally a  
25 plaintiff cannot introduce new or external evidence beyond the four corners of his Complaint” in

1 opposing a Rule 12(b)(6) motion. Dkt. #16 at 5–6. If Plaintiff’s pro se status and the dispositive  
 2 nature of Defendants’ Motion to Dismiss—which Defendants request the Court grant with  
 3 prejudice—are not alone sufficient to grant a 30-day extension, the Court finds good cause to  
 4 allow Plaintiff 30 days to seek the documents he believes will support his response. Tellingly,  
 5 the Court notes that Defendants do not allege they will suffer any prejudice by way of a 30-day  
 6 extension. *See* Dkt. #16.

7 The Court agrees with Defendants that the Federal Rules of Civil Procedure and Local  
 8 Civil Rules seek to promote speedy and inexpensive resolution of cases. Fed. R. Civ. P. 1; LCR  
 9 1(a). But both also indicate that the resolution should be just, and the Court will not promote  
 10 speed and efficiency to the detriment of its judicial responsibility “to do justice to each litigant  
 11 on the merits of his own case.” *United States v. Johnson*, 457 U.S. 537, 555 (1982) (quoting  
 12 *Desist v. United States*, 394 U.S. 244, 259 (1969) (Harlan, J., dissenting)).

13 Accordingly, having reviewed Plaintiff’s Motion and the remainder of the record, and for  
 14 the reasons stated above, the Court finds good cause and ORDERS that:

- 17 Plaintiff’s Motion for Relief from Deadline (Dkt. #12) is GRANTED.
- 18 Defendants’ Motion to Dismiss (Dkt. #8) shall be RE-NOTED for consideration on  
 19 April 5, 2019. Accordingly, Plaintiff’s response is due no later than April 1, 2019.
- 20 The Court STRIKES and will disregard Plaintiff’s Response (Dkt. #15), Defendants’  
 21 Reply (Dkt. #19) and Declaration in Support (Dkt. #20), and Surreply (Dkt. #22) filed by  
 22 Plaintiff.

23 Dated this 8<sup>th</sup> day of March 2019.

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RICARDO S. MARTINEZ  
 CHIEF UNITED STATES DISTRICT JUDGE