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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SCOTT KINGSTON,

11 Plaintiff,

12 v.

13 INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

14 Defendant.  
15

CASE NO. C19-1488 MJP

ORDER ON MOTION COMPEL

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17 This matter comes before the Court on Plaintiff's Motion to Compel (Dkt. No. 42), on  
18 which the Court previously reserved ruling pending an in camera review of the document at  
19 issue, see Order on Discovery Motions (Dkt. No. 53). The Court has now received and reviewed  
20 a copy of the document—a settlement agreement between Jerome Beard and IBM. The Court  
21 finds that the agreement contains information about unpaid commissions that is relevant to  
22 Plaintiff's claims in this case. The Court GRANTS the Motion to Compel and ORDERS IBM to  
23 produce the document subject to the Protective Order in this case. But the Court does not find  
24 relevant the amounts paid to settle Beard's discrimination claims and non-economic damages or

1 the amount paid for attorneys' fees and costs. IBM may redact these amounts in the version  
2 produced to Plaintiff.

3 Separately, the Court notes that in ruling on Plaintiff's Discovery Motions, it did not  
4 specifically address Plaintiff's request for fees and costs in bringing his two discovery motions.  
5 (Dkt. Nos. 40 & 42.) The Court does not find that the requests are merited on the record before it  
6 because the opposition as to both was substantially justified. See Fed. R. Civ. P. 37(a)(5)(A). The  
7 Court DENIES both requests.

8 The clerk is ordered to provide copies of this order to all counsel.

9 Dated January 8, 2021.

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11 Marsha J. Pechman  
12 United States District Judge  
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