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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

POINT RUSTON, LLC; MICHAEL A.
COHEN; and SILVER CLOUD, INC.,

Plaintiffs,

v.

PACIFIC NORTHWEST REGIONAL
COUNCIL OF THE UNITED
BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA, et al.,

Defendants.

CASE NO. C09-5232BHS

ORDER TO SHOW CAUSE

This matter comes before the Court on Defendants' motion to compel (Dkt. 130). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

I. PROCEDURAL BACKGROUND

On November 9, 2009, Plaintiffs moved the Court to enter a protective order permitting certain material to be designated confidential and confidential for attorneys' eyes only. Dkt. 107. On December 15, 2009, the Court denied the motion. Dkt. 129. On December 18, 2009, the parties moved the court to enter a stipulated protective order (Dkt. 107), which was apparently intended to address the information sought in that motion. Dkt. 134. On January 6, 2010, the Court denied the motion for entry of a stipulated protective order. Dkt. 141.

1 Also on December 15, 2009, Defendants moved the Court to compel Plaintiffs to
2 disclose the identities of the prospective buyers and brokers referenced in paragraphs 75
3 and 86, respectively, of their complaint, the instant motion. Dkt. 130. On December 21,
4 2009, Plaintiffs responded to Defendants' motion to compel. Dkt. 135. On December 30,
5 2009, Defendants replied. Dkt. 139.

6 II. DISCUSSION

7 This motion to compel is based on Defendants' dissatisfaction with Plaintiffs'
8 disclosure (or lack of disclosure) with respect to the identities of the prospective buyers
9 and brokers involved in Point Ruston's development project. Plaintiffs have agreed to
10 disclose the requested material (list of buyers/brokers) subject to a protective order.
11 Declaration of Yuliya S. Mirzoyan, Ex. 4. Moreover, Defendants concede that Plaintiffs
12 could have designated this information "confidential." Dkt. 139 (reply brief in instant
13 motion). The stipulated motion for protective order (Dkt. 134), which the Court denied
14 (Dkt. 141), apparently covered the materials now requested (list of buyers/brokers) in the
15 instant motion to compel.

16 It appears that the instant motion is interrelated to and perhaps mooted by the
17 Court's denial of the stipulated motion for protective order. Dkt. 141 (denying stipulated
18 motions, Dkts. 134 and 140). Therefore, the Court orders the parties to show cause why
19 the instant motion should not be denied. The parties shall file simultaneous briefing on
20 this matter. The briefs shall not exceed 10 pages and shall be filed on or before January
21 19, 2010.

22 Additionally, although both parties request attorneys' fees for having had to file
23 pleadings regarding the instant motion, it appears to the Court that neither party fully
24 cooperated in resolving this matter as previously urged by the Court (Dkt. 129).
25 Therefore, the Court denies the requests for attorneys' fees.

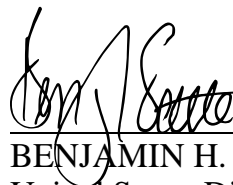
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III. ORDER

Therefore, it is hereby

ORDERED that the parties are to show cause in simultaneous briefing by January 19, 2010, as discussed herein. The parties' requests for attorneys' fees are denied.

DATED this 11th day of January, 2010.



BENJAMIN H. SETTLE
United States District Judge