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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EDWARD PAUL GILLIGAN et al.,  
Plaintiff,  
v.  
ROBERTA F. KANIVE, et al.,  
Defendants.

CASE NO. C11-5061BHS/JRC  
ORDER ON PENDING MOTIONS

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. The matter is before the court on three interrelated motions (ECF No. 12, 13, and 15).

The first motion is a request by one plaintiff, Mr. Hargrove, to stay the action for sixty days (ECF No. 12). Mr. Hargrove has not shown the court that his motion was served on the other plaintiffs, or defense counsel. Therefore court cannot entertain the motion at this time. All papers should contain a certificate of service showing the court who has been served. The motion is denied. Mr. Hargrove also asks what court action was taken on a request to drop the

1 federal claims in the complaint and return the case to state court. The request to drop the federal  
2 claim was denied without prejudice (ECF No. 11). The case remains in federal court.

3 Two other pending motions are noted to be heard in the near future; one is a motion to  
4 compel discovery, and the other is a response and request regarding scheduling (ECF No. 13 and  
5 15).

6 The motion to compel is denied because it was filed prior to the parties meeting and  
7 conferring. The motion was filed March 28, 2011, (ECF No. 12). The parties conferred April 5,  
8 2011 (ECF No. 14, page 2 ¶ 2). Local Rule 37 (a) (1) (B) mandates a meeting prior to filing a  
9 motion to compel. Further, the motion sought free copies of medical records and other  
10 documents. A grant of in forma pauperis status does not give plaintiffs a right to have documents  
11 copied at government expense. In re Richard, 914 F.2d 1526 (6th Cir. 1990).  
12

13 The final motion is a request to extend the scheduling dates in this case (ECF No. 15).  
14 Counsel indicates in her affidavit regarding discovery (ECF No. 14) that she agreed to an  
15 extension of the dates and she has filed a motion to bring the matter to the court's attention. As  
16 the matter appears to be agreed, there is no reason to wait until April 22 to hear the motion. The  
17 motion is granted. The new scheduling order is as follows:  
18

19 Discovery

20 All discovery shall be completed by **August 12, 2011**. Service of responses to  
21 interrogatories and to requests to produce, and the taking of depositions shall be completed by  
22 this date. Federal Rule of Civil Procedure 33(b)(3) requires answers or objections to be served  
23 within thirty (30) days after service of the interrogatories. The serving party, therefore, must  
24 serve his/her interrogatories at least thirty (30) days before the deadline in order to allow the  
25 other party time to answer.  
26

1 Motions

2 Any dispositive motion shall be filed and served on or before **September 9, 2011**. The  
3 motion shall include in its caption (immediately below the title of the motion) a designation of  
4 the Friday upon which the motion is to be noted upon the court's calendar. That date shall be the  
5 fourth Friday following filing of the dispositive motion. All briefs and affidavits in opposition to  
6 any motion shall be filed and served not later than 4:30 p.m. on the Monday immediately  
7 preceding the Friday appointed for consideration of the motion. If a party fails to file and serve  
8 timely opposition to a motion, the court may deem any opposition to be without merit. The party  
9 making the motion may file, not later than 4:30 p.m. on the Thursday immediately preceding the  
10 Friday designated for consideration of the motion, a response to the opposing party's briefs and  
11 affidavits. The documents must indicate in the upper right-hand corner the name of the  
12 magistrate judge to whom the documents are to be delivered.  
13  
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15 If a motion for summary judgment is filed, it is important for the opposing party to note  
16 the following:

17 A motion for summary judgment under Rule 56 of the Federal Rules of Civil  
18 Procedure will, if granted, end your case.

19 Rule 56 tells you what you must do in order to oppose a motion for summary  
20 judgment. Generally, summary judgment must be granted when there is no genuine issue  
21 of material fact -- that is, if there is no real dispute about any fact that would affect the  
22 result of your case, the party who asked for summary judgment is entitled to judgment as  
23 a matter of law, which will end your case. When a party you are suing makes a motion  
24 for summary judgment that is properly supported by declarations (or other sworn  
25 testimony), you cannot simply rely on what your complaint says. Instead, you must set  
26 out specific facts in declarations, deposition, answers to interrogatories, or authenticated  
documents, as provided in Rule 56(e), that contradict the facts shown in the defendant's  
declarations and documents and show that there is a genuine issue of material fact for  
trial. If you do not submit your own evidence in opposition, summary judgment, if  
appropriate, may be entered against you. If summary judgment is granted, your case will  
be dismissed and there will be no trial.

Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998).



