UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HAROLD H. WRIGHT, JR., and SYDNI WRIGHT, husband and wife,

Plaintiffs,

v.

PIERCE COUNTY, et al.,

Defendants.

CASE NO. C11-5154 BHS

ORDER GRANTING DEFENDANTS' MOTION FOR PROTECTIVE ORDER AND MOTION FOR JUDGMENT ON THE PLEADINGS

This matter comes before the Court on Defendants' motion for protective order (Dkt. 46) and motion for judgment on the pleadings (Dkt. 48).

On June 6, 2013, Defendants filed both of the instant motions. Defendants request that the Court dismiss all Defendants in their official capacity as redundant claims (Dkt. 48) and request that the Court stay discovery requests addressed to Defendants in their official capacity (Dkt. 46). With regard to the former, Defendants have cited authority that all claims against individuals in their official capacity may be dismissed as redundant. Dkt. 48 at 2–3. Plaintiffs submitted twenty-one pages of briefing essentially

conceding the issue. *See* Dkt. 77 at 21 ("To the extent defendants merely wish to concede liability of the individual defendants acting in their 'official capacity' lays with the public entities, plaintiffs do not object.") Therefore, the Court **GRANTS** Defendants' motion.

With regard to the motion for a protective order, discovery against Defendants at this point is not warranted. Qualified immunity and absolute immunity are immunities from suit. *See* Dkt. 46 at 3–4. Allowing discovery at this early stage of the proceeding would undermine the protection provided by such immunities. Plaintiffs, however, argue that discovery is needed to overcome Defendants' dispositive motions. Dkt. 52 at 6–11. If true, then other rules of civil procedure provide Plaintiffs adequate relief. *See* Fed. R. Civ. P. 56(d). Therefore, the Court **GRANTS** Defendants' motion for a protective order and discovery against Defendants is hereby stayed pending the resolution of Defendants' motion for summary judgment (Dkt. 35).

IT IS SO ORDERED.

Dated this 16th day of July, 2013.

BENJAMIN H. SETTLE
United States District Judge