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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 DERRAL FLEMING, and MAG  
8 ENTERPRISES, LLC,

9 Plaintiffs,

10 v.

11 SCOTT PARNELL and SAMSON  
12 SPORTS, LLC,

13 Defendants.

CASE NO. C13-5062 BHS

ORDER BIFURCATING TRIAL

14 This matter comes before the Court on the parties' joint statement regarding  
15 bifurcation (Dkt. 129).

16 On April 18, 2014, the Court denied the parties' cross-motions for summary  
17 judgment and requested a joint statement on the issue of bifurcating the upcoming trial.  
18 Dkt. 126. On April 25, 2014, the parties responded. Dkt. 129. Defendants request that  
19 the Court bifurcate the federal issues from the state issues and proceed to trial on the  
20 federal issues first. *Id.* at 9–14. Although Plaintiffs agree that the federal issues should  
21 be bifurcated from the state issues, they argue that the Court should proceed to trial on  
22 the state issues first. *Id.* at 2–4.

1 Plaintiffs present six arguments in support of their position. *Id.* at 2–8. These  
2 arguments are without merit and are in direct contrast to Plaintiffs’ filing in this case. For  
3 example, Plaintiffs argue that “if Defendants have no authority – lack standing – to bring  
4 the claims they assert, then there are no Federal claims to try.” Dkt. 129 at 5. Plaintiffs’  
5 complaint, however, sets forth three claims establishing federal question jurisdiction. *See*  
6 Dkt. 1. Moreover, if the state law claims should be tried first, then the parties should stay  
7 this action and lift the stay in the state court.

8 Therefore, the Court hereby **BIFURCATES** this matter and the parties will  
9 proceed to trial on the federal claims only.

10 **IT IS SO ORDERED.**

11 Dated this 29th day of April, 2014.

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BENJAMIN H. SETTLE  
United States District Judge