

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 GEOFFREY ROBERT LAWSON SR.,

9 Plaintiff,

10 v.

11 BERNARD WARNER, KIM WYMAN,  
12 JEFFREY A UTTECHT, ROY  
13 GONZALES, BAILEY, RAND  
14 SIMMONS, L WONDERS, CHE,  
15 MILLER, FORD, GUNTER, AYERS,  
16 STUENKEL, JOHN 1 DOE, JOHN DOE  
17 2,

18 Defendants.

CASE NO. C14-5100 RBL-KLS

ORDER ON PLAINTIFF'S  
PENDING MIOTIONS

16 This matter has been referred to United States Magistrate Judge Karen L. Strombom  
17 pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Fed. R. Civ. P. 72. Defendants  
18 filed a Motion to Dismiss and they provided plaintiff with notices regarding that motion (Dkt. 36  
19 and 37). Defendants motion is noted for August 22, 2014.

20 Rather than respond to defendants' motion, Mr. Lawson filed two motions with later  
21 noting dates. Dkt 39 and 42. The Court will rule on Mr. Lawson's motions now in order to  
22 move the action forward.

23 Mr. Lawson filed a motion asking the undersigned to stay defendants' Motion to Dismiss  
24 and asking for an extension of the deadline for filing a response. Dkt. 39. Mr. Lawson's motion

1 to stay is premised on his request for discovery. Dkt. 39, p. 3. The Court granted defendants'  
2 motion to stay discovery in this action because defendants raised the affirmative defense of  
3 qualified immunity. Dkt. 41. Accordingly, Mr. Lawson's motion to stay the pending Motion to  
4 Dismiss is **DENIED**.

5 Mr. Lawson also asks for sixty days of additional time to file a response to the pending  
6 Motion to Dismiss. Dkt. 39. Mr. Lawson's request is excessive. The time for responding to a  
7 motion to dismiss is normally 30 days. However, the undersigned will grant Mr. Lawson a short  
8 extension, until **September 26, 2014**, to file a response to defendants' Motion to Dismiss.  
9 Defendants' reply will be due on or before **October 3, 2014**.

10 Mr. Lawson has also filed a motion asking for leave to file a surreply regarding the  
11 motion to stay discovery. Dkt. 42. Defendants filed their reply August 19, 2014. Dkt. 38.  
12 Local Rule 7(g) addresses surreplies:

13 (g) Requests to Strike Material Contained in Motion or Briefs; Surreply

14 Requests to strike material contained in or attached to submissions of opposing  
15 parties shall not be presented in a separate motion to strike, but shall instead be  
16 included in the responsive brief, and will be considered with the underlying  
17 motion. The single exception to this rule is for requests to strike material  
18 contained in or attached to a reply brief, in which case the opposing party may file  
19 a surreply requesting that the court strike the material, subject to the following:

20 (1) That party must file a notice of intent to file a surreply as soon after  
21 receiving the reply brief as practicable.

22 (2) The surreply must be filed within five days of the filing of the reply  
23 brief, and shall be strictly limited to addressing the request to strike. Extraneous  
24 argument or a surreply filed for any other reason will not be considered.

(3) The surreply shall not exceed three pages.

(4) No response shall be filed unless requested by the court.

See, Local Civil Rule 7(g).

1 Mr. Lawson signed his motion to file a surreply on August 27, 2014, and he signed his  
2 surreply on August 28, 2014. Dkt. 42 and 42-1. This is nine days after the reply was filed. Dkt  
3 38. Accordingly the motion is not timely. Further, the undersigned has already ruled on the  
4 motion and stayed discovery in this action and the motion to file a surreply is moot. Dkt. 41.  
5 The motion to file a surreply is **DENIED**.

6 The Clerk is directed to re-note defendants' Motion to Dismiss (Dkt. 36), for **October 3,**  
7 **2014**, The Clerk's office may remove plaintiff's pending motions (Dkt. 39 and 42) from the  
8 Calendar and send a copy of this Order to Plaintiff.

9 Dated this 8<sup>th</sup> day of September, 2014.

10  
11  
12  
13  
14   
15 Karen L. Strombom  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24