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2 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
3 AT TACOMA

4 GLENDA NISSEN,

5 Plaintiff,

6 v.

7 MARK LINDQUIST, et al.,

8 Defendants.

CASE NO. 16-5093BHS

ORDER GRANTING  
DEFENDANTS' MOTION TO  
STAY DISCOVERY

9  
10 This matter comes before the Court on Defendants Mark Lindquist, Mark and  
11 Chelsea Lindquist, and Pierce County's ("Defendants") motion for protective order or to  
12 stay discovery, pending decision on Defendants' motion to dismiss (Dkt. 13) and Plaintiff  
13 Glenda Nissen's ("Nissen") motion to compel (Dkt. 16). The Court has considered the  
14 pleadings filed in support of and in opposition to the motions and the remainder of the  
15 file and hereby grants Defendants' motion for the reasons stated herein.

16 **I. PROCEDURAL HISTORY**

17 On February 1, 2016, Nissen filed a complaint against Defendants in Pierce  
18 County Superior Court for the State of Washington. Dkt. 1, Exh. A ("Comp."). Nissen  
19 asserts causes of action for violations of her constitutional rights, abuse of process,  
20 invasion of privacy, constructive discharge, outrage, violations of Washington Law  
21 Against Discrimination, RCW Chapter 49.60 ("WLAD"), and breach of contract. *Id.*

22 On February 5, 2016, Defendants removed the matter to this Court. Dkt. 1.

1 On February 22, 2016, Defendants filed a motion to dismiss. Dkt. 9. On April 20,  
2 2016, the Court granted the motion to dismiss and granted Nissen leave to amend. Dkt.  
3 18.

4 On April 14, 2016, Defendants filed the instant motion requesting in part that the  
5 Court stay discovery until the issues of absolute and qualified immunity are determined.  
6 Dkt. 13. On April 27, 2016, Ames responded. Dkt. 19. On April 29, 2016, Defendants  
7 replied. Dkt. 21.

8 On April 20, 2016, Nissen filed a motion to compel Stewart Estes to produce  
9 subpoenaed text message transcripts. Dkt. 16. On May 2, 2016, Defendants responded.  
10 Dkt. 22. On May 6, 2016, Nissen replied. Dkt. 24.

11 On April 28, 2016, Nissen filed an amended complaint. Dkt. 20. On May 12,  
12 2016, Defendants filed a motion to dismiss arguing in part the defenses of immunity.  
13 Dkt. 25.

## 14 II. DISCUSSION

15 “[T]he district court should resolve [the] threshold question [of qualified  
16 immunity] before permitting discovery.” *Crawford-El v. Britton*, 523 U.S. 574, 598  
17 (1998) (citing *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)).

18 Although Nissen attempts to distinguish this binding Supreme Court authority  
19 (Dkt. 19 at 9–11), Nissen fails to show that this straight-forward and simple rule should  
20 not be followed in this case. Thus, it appears that the Court should stay discovery  
21 pending Defendants’ motion to dismiss. Ames, however, argues that discovery should  
22 proceed on the claims for injunctive relief and the state law claims. Dkt. 19.

