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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JACK COBB,

Plaintiff,

v.

P.S.C., INC.,

Defendant.

CASE NO. 3:16-cv-5103-RJB

ORDER ON DEFENDANT’S  
MOTION FOR SUMMARY  
JUDGMENT AND/OR DISMISSAL

THIS MATTER comes before the Court on Defendant P.S.C., Inc.’s Motion for Summary Judgment and/or Dismissal. Dkt. 10. Plaintiff has not filed a response to the motion. The Court has considered the record and the remainder of the file herein.

Defendant requests dismissal on two grounds: (1) under Fed. R. Civ. P. 37(b)(2)(A)(v), for failure to provide discovery, and (2) under Fed. R. Civ. P. 56. Defendant also requests an award of at least \$500 in attorney’s fees. Dkt. 10.

On October 24, 2016, Defendant filed a Motion to Compel Discovery. Dkt. 8. Plaintiff did not respond to the motion, and the Court granted the motion on November 23, 2016. Dkt. 9. Defendant’s counsel now represents that even after the Court issued that order, Plaintiff has yet

1 to provide discovery. Dkt. 10. Plaintiff has not responded to Defendant's counsel's  
2 representation. In fact, Plaintiff has not made any filings in this case since the filing of the JSR  
3 on May 13, 2016. *See* Dkt. 6. Further, although not before the Court in this present motion,  
4 Plaintiff's counsel has failed to respond in multiple other matters within this district. *See, e.g.,*  
5 *Walker v. Saturn Systems*, 3:16-cv-05813-RJB, *Spahr v. Quick Collections, Inc.*, 3:16-cv-05402-  
6 RBL, *Wade v. DCS Financial, Inc.*, 3:16-cv-05398-BHS.

7 Based on these facts, dismissal pursuant to Fed. R. Civ. P. 37(b)(2)(A)(v) for Plaintiff's  
8 failure to provide discovery is warranted. An award of \$500 to Defendant for attorney's fees is  
9 also warranted.

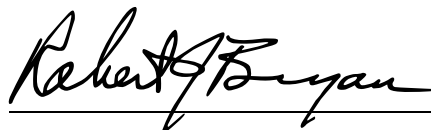
10 Because dismissal is appropriate under Fed. R. Civ. P. 37(b)(2)(A)(v), the Court does not  
11 reach the issue of whether summary judgment is appropriate under Fed. R. Civ. P. 56.

12 \* \* \*

13 THEREFORE it is HEREBY ORDERED that Defendant's Motion for Summary  
14 Judgment and/or Dismissal (Dkt 10) is GRANTED IN PART. The motion is granted as to  
15 Defendant's request for dismissal pursuant to Fed. R. Civ. P. 37(b)(2)(A)(v). The case is  
16 HEREBY DISMISSED. Defendant's request for \$500 in attorney's fees is granted. Defendant's  
17 motion is otherwise denied.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
19 to any party appearing *pro se* at said party's last known address.

20 Dated this 19<sup>th</sup> day of January, 2017.

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23 ROBERT J. BRYAN  
24 United States District Judge