HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ZIMBUREAN, et al, Plaintiffs, v. CITIMORTGAGE, INC., et al, Defendants.	CASE NO. C16-5181-RBL ORDER GRANTING TIME EXTENSION DKT. #20

THIS MATTER is before the Court on Pro Se Plaintiffs Richard and Juliana Zimbureans' Motion for an Extension of Time [Dkt. #20]. The Zimbureans ask the Court to grant them a two-week extension, until November 30, 2016, to respond to Defendant CitiMortgage's interrogatories, requests for document production, and requests for admission.

The Zimbureans' responses were due November 14, 2016. On November 21, they contacted CitiMorgage's counsel directly, requesting an extension. CitiMortgage agreed to extend the Zimbureans' deadline to respond to CitiMortgage's interrogatories and requests for production until November 30, but claimed the Zimbureans' failure to timely respond to its requests for admission constituted an admission on all statements. *See* Dkt. #21 (CitiMortgage's Objection). The Zimbureans claim they fired their attorney because he did not timely respond to

these discovery requests. *See* Dkt. #23 (Order Approving Stipulation to Withdraw, dated November 30, 2016). They seek this extension given his neglectfulness. CitiMortgage argues the Zimbureans' request is untimely; they cannot demonstrate excusable neglect; and they should ask the court to withdraw their admissions and relieve them from their waiver of their objections, not to extend their time to respond.

The Court has discretion to permit additional time to respond to interrogatories, requests for production, and requests for admission. *See* Fed. R. Civ. Pro. 33(b)(2); *see also* Fed. R. Civ. Pro. 34(b)(2)(A); Fed. R. Civ. Pro. 36(a)(3). The Court strongly favors deciding cases on the merits, not technicalities. CitiMortgage told the Zimbureans they could have until November 30th to respond to its interrogatories and production requests. They should honor their agreement. The Court also refuses to fault the Zimbureans, who were forced to act on their own behalf even before their attorney withdrew, for his un-timeliness in responding to CitiMortgage's requests for admission. They reached out to CitiMortgage directly within one-week of their missed discovery deadline. A slight delay will not prejudice CitiMortgage. For good cause shown, Plaintiffs' Motion for an Extension of Time [Dkt. #20] is GRANTED. They have until December 5, 2016, to respond to CitiMortgage's interrogatories, requests for production, and requests for admission.

IT IS SO ORDERED.

Dated this 30th day of November, 2016.

Ronald B. Leighton
United States District Judge