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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 BEAMING WHITE LLC, LUIS  
LAJOUS,

11 Plaintiff,

12 v.

13 JASON RABON, SHANON RABON,  
14 WHITEN MY SMILE NOW, VISION  
MARKETING CONSULTANTS, INC.,

15 Defendants.  
16

CASE NO. 3:16-CV-05858-DWC

ORDER DENYING MOTION TO  
COMPEL

17 Plaintiffs filed this action seeking declaratory and injunctive relief for alleged trademark  
18 and copyright infringement by Defendants. The parties have consented to proceed before a  
19 United States Magistrate Judge. *See* 28 U.S.C. §636(c), Fed. R. Civ. P. 73; Local Magistrate  
20 Judge Rule MJR 13; Dkt. 11, Joint Status Report; Dkt. 12, Minute Order on Consent. Before the  
21 Court is Plaintiffs' Motion to Compel Discovery Responses, Certification, and Memorandum  
22 ("Motion to Compel"). Dkt. 35.

23 On May 17, 2017, the Court held a telephone conference, wherein the Court reserved  
24 ruling on the Motion to Compel. *See* Dkt. 42. The parties filed several status reports on the

1 Motion to Compel, *see* Dkt. 49, 51, 52, 57, 62, and, on September 12, 2017, the Court issued an  
2 Order directing the parties to file a joint status report on or before September 29, 2017 regarding  
3 the Motion to Compel. Dkt. 60. The Court notified the parties that if they were still engaged in  
4 the discovery process at that time, the Court would enter an order denying without prejudice the  
5 Motion to Compel.

6 The parties filed a joint status report on September 29, 2017. Dkt. 62. The parties both  
7 agree they are still engaged in the discovery process. *Id.* Plaintiffs state they are continuing to  
8 wait for Defendants to supplement their responses to Plaintiffs' discovery requests and,  
9 therefore, some pretrial deadlines may need to be extended. *Id.* at p. 2. They also request the  
10 Motion to Compel be held in abeyance because the parties are still engaged in the discovery  
11 process. *Id.* at p. 3. Defendants request the Motion to Compel be denied without prejudice  
12 because the parties are still engaged in discovery. *Id.*

13 After consideration of the September 2017 Joint Status Report and the relevant record,  
14 the Motion to Compel (Dkt. 35) is denied without prejudice. If the parties cannot resolve the  
15 discovery matters, a motion to compel may be filed after the parties have complied with Rule 37  
16 of the Federal Rules of Civil Procedure. Further, if the parties determine an extension of time of  
17 any pretrial deadline is necessary, a motion must be filed with the Court.

18 Dated this 2nd day of October, 2017.

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21 David W. Christel  
22 United States Magistrate Judge  
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