

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL S. BENT,

Plaintiff,

V.

PATRICIA LASHWAY, et al.,

Defendants.

CASE NO. C16-5916 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANTS' MOTION FOR
PRETRIAL CONFERENCE

This matter comes before the Court on Defendants Patricia Lashway, Mark

McCauley, and Greg Kimsey’s (“Defendants”) motion for pretrial conference (Dkt. 60).

On March 6, 2017, the Court issued an order requiring the parties to hold a Fed. R.

Civ. P. 26(f) conference by June 13, 2017. Dkt. 43.

On July 28, 2017, Plaintiff Michael Bent (“Bent”) filed a motion for summary judgment. Dkt. 58.

On August 9, 2017, Defendants filed a motion requesting that the Court hold a pretrial conference because Bent has failed to cooperate with scheduling the 26(f) conference. Dkt. 60. On August 21, 2017, Bent responded arguing that the conference and discovery are currently unnecessary and will only become necessary if his dispositive

1 motion is denied. Dkt. 65. On August 25, 2017, Defendants replied arguing that a
2 pending dispositive motion does not implicitly toll preliminary litigation obligations or
3 the Court's order directing the parties to hold a 26(f) conference. Dkt. 67.

4 In this case, the Court agrees with Defendants that a motion for summary
5 judgment does not suspend Bent's preliminary obligations. Bent cites no authority for his
6 unilateral decision to disobey the Court's order to participate in a 26(f) conference and
7 exchange initial disclosures. The Court, however, at this time finds that a pretrial
8 conference before the Court is unnecessary. Therefore, the Court **GRANTS** Defendants'
9 motion to the extent of resetting the deadlines as follows: FRCP 26f Conference Deadline
10 is 9/22/2017, Initial Disclosure Deadline is 9/29/2017, Joint Status Report due by
11 10/6/2017. Failure to comply with these deadlines may result in sanctions up to and
12 including the possibility of dismissal of Bent's claims. The Court **DENIES** the motion to
13 the extent Defendants request a hearing before the Court.

14 **IT IS SO ORDERED.**

15 Dated this 7th day of September, 2017.

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BENJAMIN H. SETTLE
United States District Judge