

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

4 LEONID KUCHEROV,

5 Plaintiff,

6 v.

7 MTC FINANCIAL, INC., et al.,

8 Defendants.

CASE NO. C17-5050 BHS

ORDER DENYING  
DEFENDANTS' MOTION TO  
DISMISS OR FOR PROTECTIVE  
ORDER AND GRANTING  
DEFENDANTS' MOTION FOR AN  
EXTENSION OF DEADLINE

9 This matter comes before the Court on Defendants CIT Bank N.A., MTC  
10 Financial, Inc., and OWB REO, LLC's ("Defendants") motion to dismiss or,  
11 alternatively, motion for protective order (Dkt. 25) and motion to extend deadline for  
12 discovery (Dkt. 27).

13 On January 26, 2017, the Court issued an order setting deadlines as follows: Joint  
14 Status Report ("JSR") due by 4/26/2017, FRCP 26f Conference Deadline is 4/12/2017,  
15 Initial Disclosure Deadline is 4/19/2017. Dkt. 7. On May 2 and 31, 2017, the Court  
16 warned the parties that they must file a JSR or face dismissal.

17 On July 18, 2017, Defendants filed a motion to dismiss or alternatively, motion for  
18 protective order. Dkt. 25. On July 20, 2017, Defendants filed a motion to extend  
19 deadline for discovery. Dkt. 27. On July 24, 2017, Plaintiff Leonid Kucherov  
20 ("Kucherov") unilaterally filed a joint status report. Dkt. 29. On August 2, 2017,  
21 Defendants objected to the status report. Dkt. 30. On August 4, 2017, Kucherov  
22 responded to Defendants' motions, Dkts. 32, 33, and Defendants replied to their motion

1 for an extension of time. Dkt. 31. On August 11, 2017, Defendants replied to their  
2 motion to dismiss. Dkt. 34.

3 Regarding the JSR, the Court finds that Kucherov's failure to cooperate or comply  
4 with the Court's order does not justify dismissal at this point. Kucherov, however, shall  
5 cooperate with Defendants and file a JSR no later than September 22, 2017. Failure to do  
6 so may result in sanctions up to and including dismissal. Accordingly, the Court  
7 **DENIES** Defendants' motion to dismiss.

8 Regarding Defendants' request for a protective order, general objections to  
9 allegedly excessive discovery are disfavored. On the other hand, the Court will grant  
10 relief to specific discovery requests on a request-by-request basis or excessive discovery  
11 based upon an actual showing that the requested discovery is disproportional. General  
12 allegations that responses will be burdensome does not meet the burden to protect a party  
13 from its discovery obligations. Therefore, the Court **DENIES** Defendants' motion on  
14 this issue.

15 Regarding an extension of time to respond to discovery, the Court finds that there  
16 is good cause to extend the deadline. Therefore, Defendants must respond to Kucherov's  
17 discovery requests no later than October 6, 2017.

18 **IT IS SO ORDERED.**

19 Dated this 7th day of September, 2017.

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21 BENJAMIN H. SETTLE  
22 United States District Judge