

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELLY SUTHERLAND (PRATKA),

CASE NO. C17-5166-TSZ-JPD

Plaintiff,

V.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security

ORDER DIRECTING PLAINTIFF'S
COUNSEL TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE
IMPOSED

Defendant.

This matter comes before the Court upon plaintiff's June 30, 2017 and July 6, 2017 motions seeking a second extension of time to file the opening brief, which both fail to comply with the local rules of this district and prior orders of the Court. Dkt. 12; Dkt. 13. From the outset of this action, the Court has expended substantial time and energy attempting to direct plaintiff's counsel to heed this district's local rules.

Plaintiff filed a complaint against the Commissioner of the Social Security Administration on March 3, 2017. Dkt. 1. When plaintiff failed to append an appropriate Certificate of Service to the complaint or any other filing, the Court issued an order directing plaintiff's counsel to file all future documents in a format that complies with LCR 10, including a caption which properly identifies the full name of the defendant. Dkt. 9.

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TO SHOW CAUSE WHY SANCTIONS SHOULD
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1 Plaintiff subsequently moved for an extension of time to file her opening brief. Dkt. 10.
2 In the Court’s Order granting the extension, the Court once again directed plaintiff’s counsel to
3 update the caption on all future filings with the Court, as well as comply with the U.S. District
4 Court’s Electronic Filing Procedures for Civil and Criminal Cases (“EFP”). Dkt. 11. The Court
5 also warned plaintiff’s counsel that failure to make these changes may cause this Court to strike
6 future submissions. *Id.*

7 Plaintiff filed a second stipulated motion for an extention of time to file plaintiff’s
8 opening brief on June 30, 2017, Dkt. 12, and an amended stipulated motion, Dkt. 13, on July 6,
9 2017. However, both stipulated motions submitted by plaintiff’s counsel remain deficient in the
10 following respects:

11 1) To date, none of plaintiff’s filed pleadings have included the full name of the
12 defendant, Nancy A. Berryhill, Acting Commissioner of Social Security, despite the Court’s
13 Order directing plaintiff to update the caption on all future filings with the Court. Dkt. 11 at 2.

14 2) Similarly, plaintiff has continuously failed to comply with the U.S. District
15 Court’s Electronic Filing Procedures for Civil and Criminal Cases (EFP) by not providing the
16 assigned judge with a properly formatted Word or WordPerfect compatible version of a proposed
17 order *by e-mail*, despite the Court’s explicit direction to do so. Dkt. 9.

18 3) The Court presumes, based on these deficiencies, that plaintiff’s counsel also
19 failed to review the Court’s EFP and local rules, as directed. Dkt. 11.

20 4) Accordingly, the Court STRIKES plaintiffs’ stipulated motions. Dkt. 12; Dkt. 13.
21 Plaintiff’s counsel is directed to re-file the stipulated motion in a manner that complies with the
22 local rules of the district and the Court’s prior orders **by no later than Tuesday, July 18, 2017.**

23 **In addition, plaintiff’s counsel shall SHOW CAUSE why she should not be sanctioned \$150**

1 for failure to comply with the Court's prior orders. Plaintiff shall file her show cause
2 response with the Court by no later than Tuesday, July 18, 2017, or the Court will impose
3 sanctions and also order her to appear in person for a show cause hearing.

4 The Clerk is directed to send copies of this Order to all counsel of record and to the
5 Honorable Thomas S. Zilly.

6 Dated this 13th day of July, 2017.

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9 JAMES P. DONOHUE
10 Chief United States Magistrate Judge