

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Brian P. Carr
Plaintiff

versus

Sam Reed, in his official capacity as Secretary of State of the State of Washington, Wanda Briggs in her official capacity as Chair of the State of Washington Commission of Judicial Conduct, and Rob McKenna, in his official capacity as Attorney General of the State of Washington and representing in their official capacity as representatives of the State of Washington and, separately, as private individuals the Honorable Robert L. Harris, John F. Nichols, Barbara D. Johnson, Kenneth Eiesland, Rich Melnick, John Hagensen, Kelli E. Osler, Joel Penoyar, (J.) C. C. Bridgewater, J. Robin Hunt, Gerry L. Alexander, Barbara Madsen, Mary E. Fairhurst, Susan Owens and James M. Johnson as well as other currently unnamed parties as determined by the Court
Defendants

Civil No. 3:07-cv-05260-RJB

Plaintiff's Reply
to Defendants'
Opposition to Motion
to Speed Discovery

Noting Date:
October 12, 2007

In this reply, plaintiff urges the Court to grant the plaintiff's Motion to Speed Discovery Process with a Calendar Noting Date of October 12, 2007.

Argument 1

Efforts to Speed Discovery Consistent with Court's Orders

The defendants argue that the relief sought by the plaintiff to speed resolution of discovery disputes through less formal processes are completely the invention of the plaintiff and would '*circumvent the Rules 26, 33, 34 and 37*', but, in fact, the less formal dispute resolution is

described in the court Order of May 24, 2007, [document 2](#), paragraph 1, which states '*All discovery matters should be resolved by agreement if possible. If a ruling is needed on any discovery question, and counsel wish to avoid the time and expense of a written motion, they may obtain an expedited ruling through a telephone conference call to the court at (253) 882-3832.*' While the defendants may be adverse to speedy and less expensive resolution of discovery disputes, such efforts are hardly inconsistent with the intentions of the court. The relief sought of filing discovery documents in the court's CM/ECF System enables that process as the court can hardly be called on to resolve disputes concerning documents which it does not have access to. It also does not mandate this form of resolution, but the defendants' opposition to this relief could be indicative of defendants' lack of interest in a speedy resolution to this matter.

Argument 2

Relief Sought is Warranted

The defendants claim that there is no trial schedule, but in the [Joint Status Report and Discovery Plan](#) of August 22, 2007, the defendants stated that March of 2008 would be the preferable time for trial date. However, in order to meet that target date, it is necessary to move discovery forward promptly and the current stay of the discovery process has made that more difficult. Further, the defendants have consistently filed required documents just prior to the deadline. In particular, there are several expected disputes concerning discovery which were mentioned in the [Joint Status Report and Discovery Plan](#). In order to address these issues, the plaintiff needs to request the information and the defendants can respond with their opposition. The question which the defendants have not addressed is why 14 days is inadequate for them to formulate their opposition, taking into consideration that their opposition has been established since August of 2007. By insisting that the defendants (and plaintiff) respond within 14 days, any opposition will be submitted promptly. This is especially important as it appears likely that the defendants will not agree to the less formal dispute resolution suggested in the court Order of May 24, 2007, [document 2](#). Given that each response could take over a month to be resolved, it is important to start the process of resolving such disputes as promptly as possible.

Conclusion

For the reasons set forth above, plaintiff respectfully requests that the court grant the plaintiff's Motion to Speed Discovery Process with a Calendar Noting Date of October 12, 2007

Respectfully submitted, October 11, 2007 (Vancouver, WA).

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
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CERTIFICATION

I hereby certify that on October 11, 2007, a true and accurate copy of the foregoing Plaintiff's Combined Reply Brie to Defendants' Motions for Summary Judgement and Motions to Dismiss was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system as all parties have elected electronic filing as indicated on the Notice of electronic Filing. Parties access this filing through the court's CM/ECF System.

s/ Brian P Carr
Signature of Plaintiff
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