

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PREFERRED NUTRITION INC., et al.,

Plaintiffs,

v.

LORNA VANDERHAEGHE, et al.,

Defendants.

CASE NO. C10-907RAJ

ORDER

There are four motions pending in this matter. Defendants contend that the court lacks personal jurisdiction over them, and have filed a motion to dismiss. Dkt. # 9. Plaintiffs responded with a motion (Dkt. # 12) for expedited discovery to assist with their response to the personal jurisdiction motion. At the same time, Plaintiffs filed a motion (Dkt. # 13) for a preliminary injunction and a motion (Dkt. # 16) for expedited discovery in connection with that motion.

No party has yet responded to any of these motions.

This order addresses Plaintiffs' motions for expedited discovery. Those motions do not merely request that the court permit discovery to begin immediately, but also would require Defendants to respond to the discovery on an expedited basis. Although the court finds good cause to permit discovery to begin immediately, it finds little reason to require expedited discovery responses from Defendants. In opposing Defendants' motion to dismiss, Plaintiffs need only point out with specificity how additional


ORDER – 1

1 discovery would strengthen their opposition. The court will not grant the motion to
2 dismiss if Plaintiffs demonstrate that additional discovery is likely to reveal that the court
3 has personal jurisdiction over Defendants. As to Plaintiffs' preliminary injunction
4 motion, expedited discovery is manifestly not appropriate. If Plaintiffs lacked sufficient
5 evidence to obtain a preliminary injunction, they should not have filed their motion until
6 they had obtained such discovery.

7 The court orders as follows:

- 8 1) Discovery shall commence immediately. The timing of any discovery
9 responses shall be in accordance with the Federal Rules of Civil Procedure,
10 unless the parties agree otherwise.
- 11 2) The clerk shall RENEW Defendants' motion to dismiss (Dkt. # 9) for July 30,
12 2010, to correspond with the noting date of Plaintiffs' motion for preliminary
13 injunction.
- 14 3) The clerk shall TERMINATE Plaintiffs' motions for expedited discovery.
15 Dkt. ## 12, 16.

16 DATED this 9th day of July, 2010.

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20 The Honorable Richard A. Jones
21 United States District Judge