

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Faulk v. Kooth USA, LLC and Patrick Johnston

Faulk · No. 2:24-cv-01786-RSM · Decided December 2, 2025

SUMMARY

The document is a stipulated motion requesting leave for defendants to file a consolidated, overlength dispositive motion in an employment-discrimination case. The United States District Court for the Western District of Washington granted leave for a motion of up to 11,500 words, with corresponding additional words for the plaintiff's response and a reply limited to one-half of the total.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Ricardo S. Martinez
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 2, 2025
DOCKET	2:24-cv-01786-RSM
DISPOSITION	other
PROCEDURAL POSTURE	The parties jointly stipulated to Defendants' request for leave to file a consolidated overlength dispositive motion and corresponding response and reply briefs.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- summary judgment
- civil procedure
- employment discrimination
- retaliation
- racial discrimination

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether the court should grant the parties' stipulated request for Defendants to file a consolidated dispositive motion exceeding the local word limit.

2. Whether Plaintiff should receive an equal additional word allowance for the response and whether the reply should be limited to one-half of the total.

HOLDINGS

1. The court granted the parties' stipulated request for Defendants to file a single consolidated dispositive motion of no more than 11,500 words.
2. The order allowed Plaintiff an equal number of additional words for the response and limited Defendants' reply to one-half of the total.

FACTUAL BACKGROUND

The complaint asserts multiple race-discrimination, retaliation, and wrongful-termination claims against the defendants. Defendants planned to file a single consolidated motion for summary judgment addressing all claims and argued that the number of claims and common factual issues required briefing exceeding the standard 8,400-word limit. The parties stipulated to a limit of 11,500 words for the dispositive motion, with a corresponding additional allowance for Plaintiff's response and a reply limited to one-half of the total.

PROCEDURAL HISTORY

Plaintiff brought claims against Kooth USA, LLC and Patrick Johnston for race discrimination, retaliation, and wrongful termination under Washington law, Title VII, and 42 U.S.C. § 1981. Defendants intended to seek summary judgment on all claims and requested permission to file a consolidated motion exceeding the local word limit. The court granted the stipulated request.

DISPOSITION

other

CASES CITED

- Chandola v. Seattle Housing Authority, No. 2:13-cv-557-RSM, 2014 WL 3900021 (W.D. Wash. Aug. 8, 2014)

OPINION

Faulk

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

9 AT SEATTLE

10 Matthew Faulk, NO. 2:24-cv-01786-RSM 11 Plaintiff, STIPULATED MOTION, AND
ORDER 12

GRANTING LEAVE TO FILE OVER-

13 LENGTH DISPOSITIVE MOTION AND

v. BRIEF IN OPPOSITION

14 15 Kooth USA, LLC and Patrick Johnston, 16 Defendants. 17 18 19 20

I. STIPULATED MOTION FOR OVERLENGTH BRIEF

21 Pursuant to Local Civil Rules 7 and 10, Plaintiff Matthew Faulk, Defendant Kooth USA, 22 LLC, and Defendant Patrick Johnston respectfully request that the Court permit the parties leave 23 24 for Defendants to file a single, consolidated motion on behalf of both Defendants to allow for a 25 complete and efficient presentation of the relevant facts and law. Pursuant to LCR 7(f)(4), 26 Defendants request the Order provide that any response by Plaintiff similarly be allowed an equal

STIPULATED MOTION TO FILE

number of additional words and the reply brief shall not exceed one-half of the total. Dispositive 1 2 motions in this matter are due to be filed on December 9, 2025. 3 Defendants seek to consolidate their two prospective motions for summary judgment to 4 avoid duplicative arguments and preserve court resources and time. Plaintiff's Complaint alleges 5 the following six causes of action against both Defendant Kooth USA, LLC and Defendant Patrick 6 Johnston: 7 • Violation of RCW 49.60, et seq. – Discrimination Based on Race (First Cause of 8 Action) 9 • Violation of RCW 49.60.210, et seq. – Unlawful Retaliation (Second Cause of Action) 10 • Wrongful Termination in Violation of Public Policy (Third Cause of Action) • Violation of Title VII of the Civil Rights Act – Unlawful Retaliation (Fifth Cause 11 of Action) 12 • Violation of 42 U.S.C. § 1981 – Discrimination Based on Race (Sixth Cause of Action) 13 • Violation of 42 U.S.C. § 1981 – Unlawful Retaliation (Seventh Cause of Action) 14 In addition, Plaintiff's Complaint alleges one cause of action against only Defendant Kooth 15 USA, LLC: 16 • Violation of Title VII of the Civil Rights Act – Discrimination Based on Race 17 (Fourth Cause of Action) 18 Accordingly, this case involves multiple claims and factual issues that are common to both 19 Defendants, and Defendants intend to move for summary judgment dismissal of all claims. 20 Defendants have made every effort to streamline their arguments and minimize duplication but 21 cannot adequately address all necessary issues within the standard 8,400-word limit under LCR 22 7(e) (3). 23

24 II. AUTHORITY

25 Filing one consolidated motion will conserve judicial and party resources by avoiding 26 duplicative briefing and redundant factual recitations and will allow the Court to consider the issues in a unified manner. The number of claims to which Defendants' dispositive motion relates 1 2 warrants additional briefing. See *Chandola v. Seattle Housing Auth.*, No. 2:13-cv-557-RSM, 3 2014 WL 3900021 (W.D. Wash. Aug. 8, 2014) (granting leave to file an over-length dispositive 4 motion where "Defendants contend that the additional pages are necessary to fully address the five 5 claims in Plaintiff's operative complaint on which Defendants move for summary judgment 6 dismissal, as well as to address dismissal of all claims against" the individual defendant). 7 Under

LCR 7(f), the Court may grant leave to file an overlength motion when the moving party seeks the Court's approval "as soon as possible but no later than three days before the underlying motion" is due. See Local Rules W.D. Wash. LCR 7. Here, the deadline to file dispositive motions is December 9, 2025. In accordance with LCR 7, this motion is noted for consideration on the day on which it is filed. The parties therefore respectfully request that the Court permit Defendants to file a single consolidated dispositive motion of no more than 11,500 words. Pursuant to LCR 7(f)(4), the parties request the Order provide that any response by Plaintiff similarly be allowed an equal number of additional words and the reply brief shall not exceed one-half of the total. Respectfully submitted this 14th day of November 2025.

MACDONALD HOAGUE & BAYLESS SEBRIS BUSTO JAMES

/s/ Joseph Shaeffer /s/ Darren A. Feider Joseph Shaeffer, WSBA #33273 Darren A. Feider, WSBA #22430 705 Second Avenue, Suite 1500 15375 Southeast 30th Place, Ste 310 Seattle, WA 98104 Bellevue, Washington 98007 (206) 622-1604 (425) 454-4233 joe@mhb.com dfeider@sbj.law mghosh@sbj.law

BROWN, NERI, SMITH & KHAN SQUIRE PATTON BOGGS

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LLP (US) LLP

/s/ Tom Rickeman /s/ Traci L. Martinez Tom Rickeman, Pro Hac Vice Traci L. Martinez admitted pro hac 650 Town Center Dr., #520 vice Costa Mesa, CA 92626 traci.martinez@squirepb.com

(949) 676-0030 2000 Huntington Center

5 tom@bnsklaw.com 41 South High Street Columbus, Ohio 43215 6 Telephone: +1 614 365 2700 Counsel for Plaintiff 7 Counsel for Defendants 8 9 10

11 III. ORDER

12 IT IS SO ORDERED. 13

14 DATED this 2nd day of December, 2025. 15 16 A 17

18 RICARDO S. MARTINEZ

UNITED STATES DISTRICT JUDGE

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