

**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

OPINION

Faulk

PER CURIAM.

1 2 3 4 5 6 7

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 8 party seeks the Court’s approval “as soon as possible but no later than three days before the 9 10 underlying motion” is due. See Local Rules W.D. Wash. LCR 7. Here, the deadline to file 11 dispositive motions is December 9, 2025. In accordance with LCR 7, this motion is noted for 12 consideration on the day on which it is filed. 13 The parties therefore respectfully request that the Court permit Defendants to file a single 14 consolidated dispositive motion of no more than 11,500 words. Pursuant to LCR 7(f)(4), the parties 15 request the Order provide that any response by Plaintiff similarly be allowed an equal number of 16 17 additional words and the reply brief shall not exceed one-half of the total. 18 19 Respectfully submitted this 14th day of November 2025. 20

MACDONALD HOAGUE & BAYLESS SEBRIS BUSTO JAMES

21 /s/ Joseph Shaeffer /s/ Darren A. Feider Joseph Shaeffer, WSBA #33273 Darren A. Feider, WSBA #22430 22 705 Second Avenue, Suite 1500 15375 Southeast 30th Place, Ste 310 Seattle, WA 98104 Bellevue, Washington 98007 23 (206) 622-1604 (425) 454-4233 24 joe@mhb.com dfeider@sbj.law mghosh@sbj.law 25 26

BROWN, NERI, SMITH & KHAN SQUIRE PATTON BOGGS

1

LLP (US) LLP

2 /s/ Tom Rickeman /s/ Traci L. Martinez Tom Rickeman, Pro Hac Vice Traci L. Martinez admitted pro hac 3 650 Town Center Dr., #520 vice 4 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

19 20 21 22 23 24 25 26