UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

Linda Cook v. Ben Hossienzadeh et al.

Cook · No. 2:25-cv-02013-JHC · Decided January 22, 2026

SUMMARY

The United States District Court for the Western District of Washington denies Plaintiff Linda Cook's motion for entry of default and motion for judicial notice and a show cause order. The court grants in part and denies in part her motion for a scheduling order, sets briefing deadlines for Defendants' motion to dismiss, and re-notes that motion for February 19, 2026.

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 LINDA COOK, CASE NO. 2:25-cv-02013-JHC 8 ORDER 9 Plaintiff, 10 v. 11 BEN HOSSIENZADEH ET AL., 12 Defendants. 13 14 I 15 INTRODUCTION 16 This matter comes before the Court on Plaintiff's Motion for Entry of Default (Dkt. # 17 15), Plaintiff's Motion for Judicial Notice and Show Cause Order (Dkt. # 20), and Plaintiff's 18 Motion for a Scheduling Order (Dkt. # 19).

The Court has reviewed the materials filed in 19 support of and in opposition to the motions, the record, and the governing law. Being fully 20 advised, the Court: (1) DENIES the Motion for Entry of Default (Dkt. # 15); (2) DENIES the 21 Motion for Judicial Notice and Show Cause Order (Dkt. # 20); and (3) GRANTS in part and 22 DENIES in part Plaintiff's Motion for a Scheduling Order (Dkt. # 19).

23 24 1 II BACKGROUND 2 Pro se Plaintiff Linda Cook initiated this action on October 16, 2025. Dkt. # 1. The 3 Complaint names three King County officers as defendants in their individual capacities (the 4 Named Defendants)—Ben Hossienzadeh (Code Enforcement Officer II for the Permitting 5 Division of the King County Department of Local Services), Jeri Breazeal (Lead Code 6 Enforcement Officer for the Permitting Division of the King County Department of Local 7 Services), and Crystal Correa (Deputy Prosecuting Attorney for the King County Prosecuting 8 Attorney's Office).

Id. at 2–3. It also names "Does # 1-100" as defendants. Id. at 3. Per the 9 Complaint, the "Doe Defendants" are "unknown to Plaintiff and are sued under fictitious 10 names[,]" but Plaintiff believes based on information and belief that they are each "in some 11 manner responsible for the wrongs and damages alleged [in the Complaint.]" Id. 12 On November 4, 2025, counsel appeared on behalf of the Named Defendants.

Dkt. # 4. 13 Soon after, Plaintiff moved to recuse the undersigned judge (Dkt. # 11) and to have her case 14 reassigned to a different judicial officer (Dkt. # 12). Both motions were denied. See Dkt. ## 13 15 & 14. 16 On December 8, 2025, Plaintiff moved for default against the Named Defendants. Dkt. # 17 15.

The next day, the Named Defendants moved to dismiss the Complaint. Dkt. # 16. Plaintiff 18 then filed a "Motion for Judicial Notice of Conferral and Show Cause Order for Counsels' 19 Eligibility to Appear," arguing that the King County Prosecuting Attorney's Office must verify 20 that it is authorized to represent the Named Defendants before it may appear on their behalf in 21 this action.

See Dkt. # 20. The same day, Plaintiff requested that the Court enter a scheduling 22 order for briefing and adjudication of the three pending motions—Plaintiff's Motion for Entry of 23 24 1 Default (Dkt. # 15), Defendants' Motion to Dismiss (Dkt. # 16), and Plaintiff's Motion for 2 Judicial Notice and Show Cause Order (Dkt. # 20). See Dkt. # 19. 3 Two weeks later, Plaintiff filed another motion—"Plaintiff's Verified Motion for 4 Reconsideration of Interlocutory Orders Pursuant to FRCP 54(b) and the Court's Inherent 5 Authority"—asking the Court to reconsider its orders denying Plaintiff's requests for recusal and 6 case reassignment.

See Dkt. # 23. The reconsideration motion was denied, see Dkt. ## 25 & 27, 7 and the Court now proceeds to the merits of Plaintiff's pending motions (Dkt. ## 15, 20, & 19). 8 III DISCUSSION 9 A. Plaintiff's Motion for Entry of Default (Dkt. # 15) 10 Plaintiff requests that the Court enter default against the Named Defendants pursuant to 11 Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55(a).

Dkt. # 15 at 1. She argues 12 that default is appropriate, as Defendants were properly served and then failed to plead or 13 otherwise defend before this motion was filed. See generally id. For the reasons below, the 14 Court denies Plaintiff's request. 15 Under Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55(a), a party may 16 move for default against a party "whom a judgment for affirmative relief is sought but who has 17 failed to plead or otherwise defend." LCR 55(a); see also Fed.

R. Civ. P. 55(a). The rules direct 18 the clerk to enter default upon such a motion, provided the motion is filed in accordance with 19 LCR 7(d)(1) and supported by an affidavit that specifically shows that the defaulting party was 20 served in a manner authorized by Federal Rule of Civil Procedure 4. See LCR 55(a). "[I]n the 21 case of a defaulting party who has entered an appearance, the moving party must [also] give the 22 defaulting party written notice of the requesting party's intention to move for the entry of default 23 24 1 at least fourteen days prior to filing its motion and must provide evidence that such notice has 2 been given in the motion for entry of default." Id. 3 But while the rules authorize entry of default in theory, a "court cannot

enter default 4 judgment if the defendants were not properly served." BMO Harris Bank N.A. v. Singh, 2025 5 WL 1672067, at *2 (E.D.

Cal. June 13, 2025), report and recommendation adopted, 2025 WL 6 1808692 (E.D. Cal. July 1, 2025). And the Ninth Circuit has declared that "default judgments 7 are ordinarily disfavored[,]" as "[c]ases should be decided upon their merits whenever 8 reasonably possible." Eitel v. McCool, 782 F.2d 1470, 1472 (9th Cir. 1986). 9 Here, the Court finds default inappropriate.

To begin, the Court cannot conclude that the 10 Named Defendants were properly served in accordance with Federal Rule of Civil Procedure 4. 11 Although Plaintiff contends that "[o]n October 20 and 23, 2025 a summons was served to each 12 of the three named Defendants[,]" see Dkt. # 15 at 1, the Named Defendants have presented 13 credible evidence that at least one of them was not properly served, as Jeri Breazeal allegedly 14 died on March 2, 2025, and service cannot be made on a dead person.

See Dkt. # 17-3 at 2 (Jeri 15 Breazeal's death certificate); LN Mgmt., LLC v. JPMorgan Chase Bank, N.A., 957 F.3d 943, 954 16 (9th Cir. 2020) (collecting cases) ("[T]he dead cannot sue or be sued."). Plaintiff has thus failed 17 to specifically show that the defaulting parties were served in a manner authorized by the federal 18 rules as required by Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55(a).

19 The Court also notes that after Plaintiff's Motion for Entry of Default was filed, the 20 Named Defendants filed a Motion to Dismiss, responded to Plaintiff's pending motions, and 21 otherwise presented evidence that would prevent the Court from issuing a default judgment in 22 favor of Plaintiff. See generally Dkt.

The Court thus finds it is now "reasonably possible" to 23 decide the case on the merits, making default disfavored. See Eitel, 782 F.2d at 1472. 24 1 Accordingly, the Court concludes that entry of default is inappropriate given the 2 circumstances of this case. It thus DENIES Plaintiff's Motion for Entry of Default (Dkt. # 15). 3 B. Plaintiff's Motion for Judicial Notice and Show Cause Order (Dkt. # 20) 4 Plaintiff requests that the "Court take notice of [her] good faith efforts to confer with 5 Defendants' counsel on the subject matter of this motion and issue a show cause order pursuant 6 to its inherent authority... to compel timely and full disclosure of the documents specified in 7 [this motion], as required by State law, to verify that King County is authorized to use taxpayer 8 resources to defend and indemnify Defendants sued in their personal capacities and thus that 9 Defendants' counsel is eligible to appear in the instant matter." Dkt. # 20 at 1–2.

For the 10 reasons below, the Court denies Plaintiff's request. 11 According to Plaintiff, attorneys from the King County Prosecuting Attorney's Office are 12 ineligible to represent the Named Defendants in their individual and personal capacities unless: 13 (a) the Defendants requested representation from King County; and (b) the King County 14 Prosecuting Attorney's Office

determined “that the employees ‘have performed or acted in good 15 faith, within the scope of... employment with the county, and with no reasonable cause to 16 believe the conduct was unlawful.’” Id. at 2 (quoting KCC 2.21.050.B.1).

She also alleges that 17 under the Washington State Public Records Act, RCW 42.56.070, “the documents that verify 18 [King County’s] authority to utilize the public fisc to defend and indemnify its employees, and 19 thus eligibility of Counsel to appear in the instant action per LCR 83.2(a), are subject to public 20 disclosure.” Dkt. # 20 at 2–3. Plaintiff thus requests that the Court issue an order compelling 21 full and timely public disclosure of documents that verify: (1) Defendants’ request for defense 22 and indemnification from King County; (2) the authority of the King County Prosecuting 23 Attorney’s Office to defend and indemnify Defendants, and (3) the actual date(s) that such 24 documents were created and/or made available to the public.

Id. at 7. In making this request, 1 Plaintiff both implicitly and explicitly contends that without these disclosures, Defense counsel 2 is ineligible to appear on behalf of the Named Defendants and thus the action cannot proceed. 3 Id. at 4, 6; see also Dkt. # 26 at 3, 5. 4 The Court agrees with the first part of Plaintiff’s argument: under Washington law, the 5 King County Prosecuting Attorney’s Office may provide legal representation and 6 indemnification to county employees if such representation is requested by the employee and the 7 county determines that the employee’s act was performed in good faith and within the scope of 8 their employment.

See KCC 2.21.050.B.1; see also RCW 4.96.041, 36.27.030; Hanson v. 9 Carmona, 1 Wn.3d 362, 384, 525 P.3d 940 (2023) (“[A]n employee of a local governmental 10 entity can request the entity cover their defense to a claim that arises ‘from acts or omissions 11 while performing or in good faith purporting to perform his or her official duties.’ The request 12 shall be granted if the entity finds this to be the case.”).

It also agrees with Plaintiff’s assertion 13 that state agencies are subject to certain disclosure requirements under RCW 42.56.070. 14 The Court, however, disagrees with the second part of Plaintiff’s argument: that Plaintiff 15 is entitled to an order to show cause and that these statutes render Defense counsel’s current 16 appearance on behalf of the Named Defendants unlawful.

Plaintiff cites no authority, nor is the 17 Court aware of any, that would require the King County Prosecuting Attorney’s Office to prove 18 its authority to represent the Named Defendants in the way proposed by Plaintiff before 19 appearing in this action. Plaintiff also cites no authority, nor is the Court aware of any, that 20 would allow Plaintiff to bring an enforcement action under any of these statutes or otherwise 21 entitle Plaintiff to a court order compelling the King County Prosecuting Attorney’s Office to 22 disclose certain documents before appearing on behalf of the Named Defendants.

Given this 23 lack of authority, the Court cannot find that Defense counsel is ineligible to appear on behalf of 24 the Named Defendants. 1 Because of this, the Court also finds Plaintiff's fraud on the court argument unavailing. 2 Per the cited statutes, the King County Prosecuting Attorney's Office has the explicit authority to 3 represent and indemnify its officers, even when said officers are sued in their personal capacities.

4 See KCC 2.21.050.B.1; RCW 4.96.041. These statutes also explicitly grant King County the 5 authority to determine which officers qualify for such representation and indemnification. See 6 id. The Court thus finds no fraud on the court, as Washington law explicitly permits attorneys 7 from the King County Prosecuting Attorney's Office to represent King County employees sued 8 in their individual capacities, such as the Named Defendants here.

9 Given this authority, the Court does not find that Defense counsel is currently ineligible 10 to appear or should otherwise be disqualified. It also finds no valid basis to require the King 11 County Prosecuting Attorney's Office to prove their authority or make the requested disclosures 12 to Plaintiff before appearing on behalf of the Named Defendants. It thus finds no reason to take 13 judicial notice of Plaintiff's good-faith efforts to confer nor issue a show cause order on this 14 topic.

Accordingly, the Court DENIES Plaintiff's Motion for Judicial Notice and Show Cause 15 Order (Dkt. # 20). 16 C. Plaintiff's Motion for a Scheduling Order (Dkt. # 19) 17 Plaintiff requests that the Court issue a scheduling order for adjudication and briefing on 18 the pending motions at Dkt. ## 15, 16, and 20. See Dkt. # 19 at 2. She also requests that the 19 Court resolve Plaintiff's pending motions at Dkt. ## 15 and 20 before requiring Plaintiff to 20 respond to Defendants' Motion to Dismiss at Dkt. # 16.

See Dkt. # 19 at 2. For the reasons 21 below, the Court grants Plaintiff's request as to Defendants' Motion to Dismiss (Dkt. # 16), but 22 otherwise denies Plaintiff's request for a scheduling order as moot. 23 Because Plaintiff's motions at Dkt. ## 15 and 20 have already been briefed by the parties 24 and resolved by the Court in parts III.A and III.B of this Order, Plaintiff's request for a 1 scheduling order as to these motions is moot.

But the Court does find it necessary to issue a 2 scheduling order for Defendants' Motion to Dismiss (Dkt. # 16), as the briefing on this motion is 3 incomplete. It thus DENIES in part and GRANTS in part Plaintiff's Motion for a Scheduling 4 || Order (Dkt. # 19). 5 In issuing this Order, however, the Court notes that failing to file a timely response or 6 _ || filing multiple motions is typically an insufficient basis to receive relief from deadlines.

So 7 || moving forward, the parties are well advised to comply with the noting dates, briefing schedules, g || and other deadlines set forth by this Order and the federal and local rules. 9 IV CONCLUSION 10 For these reasons, the Court: 11 (1) DENIES Plaintiff's Motion for Entry of

Default (Dkt. # 15). 12 (2) DENIES Plaintiff's Motion for Judicial Notice and Show Cause Order (Dkt. # 20).

13 (3) GRANTS in part and DENIES in part Plaintiff's Motion for a Scheduling Order (Dkt. 14 # 19). 15 (4) ORDERS that Defendants' Motion to Dismiss (Dkt. # 16) shall have the following 16 briefing schedule: 17 e Any opposition by Plaintiff must be filed no later than February 12, 2026. 18 e Any reply by Defendants must be filed no later than February 19, 2026.

19 (5) DIRECTS the Clerk to re-note the motion at Dkt. # 16 for February 19, 2026. 20 Dated this 22nd day of January, 2026. 21 22 Chan John H. Chun 23 United States District Judge 24

Retrieved from lawtools.ai · https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-was/2026/linda-cook-v-ben-hossienzadeh-et-al-i38f1aqp