

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Tyler Swain v. American Honda Motor Co.

No. 6:25-cv-02142-AP (D. Or. Mar. 9, 2026) · No. 6:25-cv-02142-AP · Decided March 9, 2026

SUMMARY

The United States District Court for the District of Oregon memorializes the parameters of a previously entered protective order in Tyler Swain’s automobile-warranty litigation against American Honda Motor Co. The order restricts direct contact with represented parties, harassing or intimidating social-media activity, publication of individual employees’ names or images, and recording or reposting recordings of employees without consent. It also addresses the duty to confer before filing motions and permits nonparty Lithia Motors to renew its request for attorneys’ fees and costs.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Amy E. Potter
JURISDICTION	United States District Court for the District of Oregon
DECIDED	March 9, 2026
DOCKET	6:25-cv-02142-AP
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order memorializing its directions concerning the scope and administration of an existing protective order, the parties' duty to confer before filing motions, and a nonparty's ability to renew a motion for attorneys' fees and costs.
PRECEDENTIAL VALUE	unpublished

TOPICS

- sanctions
- discovery dispute
- attorney fees
- first amendment
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery
- sanctions
- constitutional law
- attorney fees

QUESTIONS PRESENTED

1. What conduct is prohibited by the existing protective order, including whether Swain may identify dealerships in social-media posts, directly communicate with represented parties through hashtags or

links, publish employee names or photographs, or repost recordings of employees.

2. Whether parties must confer in good faith before seeking court intervention concerning alleged protective-order violations or other motions.
3. Whether nonparty Lithia Motors may renew its request for attorneys' fees and costs based on allegedly burdensome discovery and protective-order violations.

HOLDINGS

1. The protective order does not prohibit Swain from stating the names of individual dealerships in social-media posts, but it prohibits direct communication with represented parties, including through hashtags or links, posts intended to harass or intimidate opposing parties or counsel, recording or posting recordings of Honda or dealership employees without express permission, and publishing the names or photographs of individual Honda or represented dealership employees.
2. Before bringing a motion or asking the court to intervene in an alleged protective-order dispute, the parties must make a good-faith effort to confer; concerning social-media posts, the complaining party should first confer with Swain and provide an opportunity to cure before seeking court intervention.
3. The court possesses inherent authority to control its docket and may sanction extrajudicial communications intended to harass or intimidate opposing parties, counsel, or the court; failure to follow court rules may result in sanctions, including dismissal.
4. Lithia may file a renewed motion for attorneys' fees and costs, and the court will consider that motion after filing; the order does not itself award fees or costs.

KEY QUOTATIONS

“courts have inherent power to control their dockets.” (Discussion § A)

“Plaintiff is not prohibited from stating the name of individual dealerships in social media posts, as such a prohibition is at odds with First Amendment protections.” (Discussion § B.1)

“Nonparty witnesses are powerless to control the scope of litigation and discovery, and should not be forced to subsidize an unreasonable share of the costs of a litigation to which they are not a party.” (Discussion § C)

FACTUAL BACKGROUND

Swain's conduct during the litigation included direct contacts, social-media activity, publication of names and personal information concerning dealership employees, recording of employees or representatives, and allegedly burdensome discovery directed to nonparty Lithia Motors. The court previously entered a protective order prohibiting direct contact with Honda and its employees, harassment-related online activity and doxxing, and recording without express consent. Lithia also alleged that Swain served improper subpoenas, attempted a dealership site inspection on short notice, filmed subpoena service, and threatened Lithia with litigation.

PROCEDURAL HISTORY

Tyler Swain filed suit against American Honda Motor Co. in Marion County in November 2025, and Honda removed the action to federal court. After multiple discovery disputes and allegations of harassment, the court

granted Honda's motion for a protective order following a January 16, 2026 hearing. Nonparty Lithia Motors moved for attorneys' fees and costs based on allegedly improper subpoenas and related conduct. Following a February 2, 2026 hearing, the court issued this order clarifying the protective order's parameters and permitting Lithia to file a renewed sanctions motion.

DISPOSITION

other

CASES CITED

- Murphy v. Wilhelm, No. 3:19-CV-01733-AC, 2021 WL 799307, at *2 (D. Or. Mar. 2, 2021)
- Fredin v. Middlecamp, No. 17-CV-03058 (SRN/HB), 2020 WL 6867424, at *5 (D. Minn. Nov. 23, 2020)
- 855 F. App'x 314 (8th Cir. 2021)
- United States v. Columbia Broad. Sys., Inc., 666 F.2d 364, 371 (9th Cir. 1982)

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