

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Johnny McMurry, Jr. v. Neiders Company LLC

McMurry · No. 2:25-cv-00824-JNW · Decided February 3, 2026

SUMMARY

The United States District Court for the Western District of Washington resolves the parties' remaining motions in Johnny McMurry Jr.'s employment discrimination action against Neiders Company LLC. The court denies or strikes the pending motions, declines to impose sanctions without prejudice, and orders the parties to submit a joint status report concerning scheduling; only McMurry's retaliation claims remain.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Amal N. Whitehead
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	February 3, 2026
DOCKET	2:25-cv-00824-JNW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's and defendant's pending discovery, procedural, reconsideration, stay, counsel, and sanctions motions following partial resolution of defendant's motion to dismiss.
STANDARD OF REVIEW	The order applied the governing standards for motions to compel, expedited discovery, judicial notice, consolidation, supplemental pleadings, reconsideration, and sanctions. Reconsideration required manifest error or newly available facts or legal authority; expedited discovery required good cause; and consolidation required a common question of law or fact and compliance with the applicable conferral requirement.
PRECEDENTIAL VALUE	unknown
PARTIES	Johnny McMurry, Jr. v. Neiders Company LLC

TOPICS

discovery dispute

sanctions

motion for reconsideration

retaliation

PRACTICE AREAS

civil procedure

employment law

civil rights

employment discrimination

retaliation

QUESTIONS PRESENTED

1. Whether McMurry's motions for discovery and to compel should be granted despite filing discovery requests on the docket, agreeing to pause discovery, failing to certify a good-faith conference, and exceeding the interrogatory limit.
2. Whether McMurry established good cause for expedited discovery.
3. Whether McMurry satisfied the requirements for judicial notice and consolidation.
4. Whether McMurry could supplement his complaint with claims concerning conduct by a nonparty.
5. Whether Neiders established manifest error or newly available facts or authority warranting reconsideration of the case reassignment.
6. Whether the court should impose sanctions for alleged procedural violations and misrepresentations.

HOLDINGS

1. Discovery requests must not be filed on the docket unless they are used in the proceedings or the court orders their filing.
2. A motion to compel may be denied when the movant agreed to pause discovery, failed to certify a good-faith conference, or served interrogatories exceeding the applicable limit without stipulation or court leave.
3. A party seeking expedited discovery must show good cause to depart from the standard pretrial schedule.
4. A motion for judicial notice must comply with Federal Rule of Evidence 201 and identify the particular facts not subject to reasonable dispute; it cannot be used as a substitute for discovery.
5. Consolidation requires actions involving a common question of law or fact and compliance with the applicable local-rule conferral requirement.
6. Supplemental pleadings under Rule 15(d) may address later-occurring transactions, occurrences, or events, but may not be used to add claims against nonparties.
7. Reconsideration requires a showing of manifest error or new facts or legal authority that could not previously have been presented with reasonable diligence.
8. The court may impose sanctions under its inherent authority and Rule 11, but declined to impose sanctions at this stage while cautioning that continued procedural violations could result in sanctions.

KEY QUOTATIONS

“A motion to compel requires certification that the movant “in good faith conferred or attempted to confer” with the opposing party.” (at 2)

“Federal courts possess inherent power to impose sanctions “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”” (at 6)

“pro se litigant[s] must follow the same rules of procedure that govern other litigants” (at 7)

FACTUAL BACKGROUND

McMurry filed numerous motions after Neiders moved to dismiss his fifth amended complaint, including motions for discovery, to compel, to expedite discovery, for judicial notice, to consolidate, to supplement, for reconsideration, and for appointment of pro bono counsel. He had agreed in writing to pause discovery, filed discovery requests on the docket, served 80 interrogatories and 70 requests for production, and sought to supplement his complaint with allegations involving conduct by nonparty Thrive Communities. Neiders sought a stay, reconsideration of the reassignment of the case, and sanctions.

PROCEDURAL HISTORY

McMurry, proceeding pro se, sued his former employer for employment discrimination. After the court granted in part and denied in part Neiders's motion to dismiss, allowing only retaliation claims to proceed, the court resolved the parties' remaining motions. The court denied or struck all motions, denied sanctions without prejudice, and ordered the parties to submit a joint status report.

DISPOSITION

other

CASES CITED

- Veniale v. Steiner, No. 2:24-CV-1623-JHC-DWC, 2025 WL 660674, at *1 (W.D. Wash. Feb. 28, 2025)
- Music Grp. Macao Com. Offshore Ltd. v. John Does I-IX, No. 14-CV-621 RSM, 2014 WL 11010724, at *1 (W.D. Wash. July 18, 2014)
- Gois v. Kisco Senior Living, LLC, No. 3:24-CV-00751-BJC-AHG, 2025 WL 3172890, at *1 (S.D. Cal. Nov. 13, 2025)
- United States v. Gray, 876 F.2d 1411, 1414 (9th Cir. 1989)
- Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991)
- Molski v. Evergreen Dynasty Corp., 500 F.3d 1047, 1057 (9th Cir. 2007)
- Briones v. Riviera Hotel & Casino, 116 F.3d 379, 381 (9th Cir. 1997)