

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON**

Otto von Volkmann, IV v. Samsung Electronics America, Inc.

Volkmann · No. C25-1991 · Decided January 15, 2026

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE 7 OTTO VON VOLKMANN, IV, CASE NO. C25-1991 8 Plaintiff(s), ORDER
GRANTING PLAINTIFF’S 9 v. MOTION FOR EXTENSION OF TIME 10 SAMSUNG
ELECTRONICS AMERICA, INC., 11 Defendant(s). 12 13 Now before the Court is Plaintiff Otto
von Volkmann IV’s motion to extend the deadline 14 to respond to Defendant Samsung Electronic
America, Inc.’s Motion to Compel Arbitration (Dkt.

15 No. 7) and Motion to Dismiss (Dkt. No. 9) to February 15, 2026. Dkt. No. 22. He also
proposes 16 that he will file a “medical status report” on or before February 1, 2026 to “updat[e]
the Court on 17 his medical condition and ability to resume litigation activities.” Dkt. No. 22 at 9.
Plaintiff, 18 representing himself, asserts he will need additional time to prepare his case, citing
ongoing health 19 issues and an upcoming medical appointment.

See id. Plaintiff explains that, due to “emergency 20 hospitalizations on October 14, 2025,
October 25, 2025, and November 11, 2025,” he was unable 21 to timely respond to Defendant’s
motions, which were filed on October 21, 2025. Dkt. No. 22 at 22 2. 23 Defendant Samsung
counters that “there is no credible basis” for Plaintiff to claim an 24 extension, as his active
pursuit of litigation in five separate actions casts doubt on whether 1 Plaintiff’s health prevented
him from timely responding to the pending motions in this case, or 2 from timely requesting an
extension of the deadlines to respond to those motions.

Dkt. No. 24 at 3 4–6 (summarizing Plaintiff’s litigation activities, including filing timely
opposition to a motion to 4 compel arbitration in Von Volkmann v. Asurion Insurance Services,
Inc., 24-2-10602-5-SEA and 5 initiating two pro se lawsuits on October 14 and October 21, 2025,
respectively). More generally, 6 Samsung argues that the Federal Rules of Civil Procedure apply
equally to pro se litigants such as 7 Plaintiff, and this district’s local rules “make[] clear timely
responses are mandatory[.]” Dkt.

No. 8 24 at 6. 9 Plaintiff undoubtedly failed to timely respond to either of Defendant’s motions.
And 10 Defendant is correct that procedural rules apply with equal force to pro se litigants. See
King v. 11 Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (although courts construe pleadings liberally
in pro se 12 litigants’ favor, “[p]ro se litigants must follow the same rules of procedure that govern
other 13 litigants”).

However, the local rules permit relief from an expired deadline in the event of “a true, 14 unforeseen emergency[.]” Local Rules W.D. Wash. LCR 7(j). Given Plaintiff’s assertion that he 15 was hospitalized shortly after Defendant’s motions were filed, the Court will grant in part 16 Plaintiff’s request for an extension in this instance.

Because Plaintiff has now had nearly three 17 months to prepare his responses to Defendants’ motions, the Court finds that a deadline of January 18 29, 2026, rather than the requested deadline of February 15, 2026, is appropriate.

However, the 19 Court warns Plaintiff that, under the district’s local rules, motions for relief from a deadline should 20 generally be filed in advance of a deadline, and that in the event of a true emergency, the Court 21 expects the parties will stipulate to an extension. See LCR 7(j). Plaintiff need not file a medical 22 status report. 23 In sum, the Court GRANTS IN PART Plaintiff’s motion for an extension.

Plaintiff is 24 ORDERED to file any responses to Defendant’s motion to compel arbitration (Dkt. No. 7) and 1 motion to dismiss (Dkt. No. 9) by January 29, 2026. Defendant’s replies in support of its motions 2 are due February 6, 2026.

The Clerk is directed to RE-NOTE Defendant’s motions for February 3 6, 2026. 4 Dated this 15th day of January, 2026. 5 A 6 Kymberly K. Evanson 7 United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24