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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 Q13, INC., et al.,

7 Plaintiffs,

8 v.

9  
10 EVEREADY INDUSTRIAL SERVICES  
11 CORP., et al.,

12 Defendants.

CASE NO. C07-1089RAJ

ORDER

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14 **I. INTRODUCTION**

15 This matter comes before the court on the motion of Defendants Eveready  
16 Industrial Services Corporation and Eveready Industrial Services Incorporated  
17 (collectively “Eveready”) to stage discovery in this action (Dkt. # 23). Neither Eveready  
18 nor Plaintiffs have requested oral argument. The court has reviewed the motions together  
19 with all documents filed in support and in opposition. For the reasons set forth herein,  
20 the court DENIES the motion.  
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22 **II. BACKGROUND & ANALYSIS**

23 Plaintiffs, parties to a joint technology agreement, have brought this suit to  
24 establish their rights to certain technologies developed under that agreement. Defendant  
25 Eveready is the purported assignee of the agreement.

26 Eveready seeks to postpone discovery on all issues save one: whether Eveready is  
27 the assignee of rights under the joint technology agreement. Eveready asserts that  
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1 resolving this issue may dispose of the case. Unfortunately, Eveready does not explain  
2 why. Plaintiffs' amended complaint contains six causes of action, and Eveready fails to  
3 explain how deciding whether it is the assignee of the joint technology agreement will  
4 resolve each cause of action. In opposition, Plaintiffs explain that the resolution of the  
5 assignment question will not resolve many of its claims.  
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7 As the party seeking to modify the ordinary course of discovery in this action,  
8 Eveready bears the burden of demonstrating that such a modification will be of benefit to  
9 the expeditious resolution of this action. Eveready has not met that burden. The court  
10 therefore declines to limit or "stage" discovery in this action.

### 11 III. CONCLUSION

12 For the foregoing reasons the court DENIES Eveready's motion to stage discovery  
13 (Dkt. # 23). The court will issue an order setting trial and related dates shortly.  
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15 Dated this 4th day of January, 2008.

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18 The Honorable Richard A. Jones  
19 United States District Judge  
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