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**Note on Motion Calendar: January 6, 2006  
The Honorable Ricardo S. Martinez**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**STATE OF WASHINGTON,**

**NO. CV04-2171RSM**

Plaintiff,

**MOTION FOR LEAVE TO  
SERVE ADDITIONAL  
INTERROGATORY  
REQUEST AND FOR AN  
ORDER ENLARGING THE  
TIME FOR DISCOVERY  
AND DISPOSITIVE  
MOTIONS**

v.

ARLENE SEDIQZAD, also known as  
ARLENE GRANT and ARLENE  
HUNZIKER, manager of AVTECH  
DIRECT, individually and on behalf of her  
marital community; and GARY  
HUNZIKER, manager of AVTECH  
DIRECT, individually and on behalf of his  
marital community; MD&I  
CORPORATION, a California for-profit  
corporation; and MIN HUI ZHAO, also  
known as MICHAEL ZHAO, individually,  
and on behalf of his marital community,  
Defendants.

COMES NOW State of Washington by and through its attorneys of record, Rob McKenna,  
Attorney General, and Katherine M. Tassi, Assistant Attorney General, and moves the Court for  
entry of an order granting Plaintiff leave to serve additional interrogatory requests upon defendants  
and for an order enlarging the time for discovery and dispositive motions.

The Motion herein is based on the records and files herein in addition to the Declaration of  
Katherine M. Tassi appended hereto.

**I. PROCEDURAL BACKGROUND**

1 Plaintiff served Defendants AvTech Direct, Arlene Grant, Gary Hunziker, Michael Zhao,  
2 and MD&I Corporation with Interrogatories and Requests for Production on August 16, 2005.  
3 Michael Zhao and MD&I Corporation requested from Plaintiff additional time to respond to the  
4 requests. Plaintiff received Zhao and MD&I's responses on September 29, 2005. Plaintiff received  
5 interrogatory responses and a very limited number of documents from AvTech and Ms. Grant on  
6 September 20, 2005. Ms. Grant informed Plaintiff that the rest of the documents would be  
7 forthcoming. Plaintiff has not received any discovery to date from Mr. Hunziker. Plaintiff  
8 conferred with Mr. Hunziker pursuant to Local Rules W.D. Wash. 37(a)(2)(A) regarding his  
9 discovery obligations. Plaintiff re-sent the discovery requests to Mr. Hunziker on November 22,  
10 2005, and has yet to receive any response from him. On November 21, 2005, Plaintiff received the  
11 remainder of the documents from AvTech and Ms. Grant. On October 4, 2005, Plaintiff took Ms.  
12 Grant's deposition, and on October 5, 2005, Plaintiff took Mr. Zhao's deposition.

## 13 II. ARGUMENT

14 Pursuant to FRCP 33(a), a party may serve upon any other party written interrogatories not  
15 exceeding 25 in number, but a party must obtain leave of court to serve additional interrogatories.  
16 Pursuant to FRCP 33(a), leave to serve additional interrogatories shall be granted to the extent  
17 consistent with the principles of Rule 26(b)(2).

18 Plaintiff requires responses to additional interrogatories. Because of the delay in Ms.  
19 Grant's production of documents, during Ms. Grant's and Mr. Zhao's depositions, Plaintiff did not  
20 have the substantial information that Ms. Grant produced. This includes documents that Plaintiff  
21 would have asked the deponents to authenticate and documents that Plaintiff would have asked  
22 questions about, the answers to which could have provided more evidence. An additional set of  
23 interrogatories to the defendants will not be cumulative, since the questions will be based on the new  
24 discovery. Responses to the interrogatories cannot be obtained from any other source than directly  
25 from the defendants. Plaintiff did not have the opportunity to get the information sought at any  
26 other time in the discovery process. The benefit to Plaintiff outweighs the negligible burden placed

1 on the defendants of answering another set of interrogatories. Plaintiff regards the information it  
2 will be seeking in these interrogatories as critical to its case and directly relevant to the main issue in  
3 the case.

4 Plaintiff requests pursuant to FRCP 6(b) that this Court enlarge the time within which  
5 discovery is to be completed and continue the date by which dispositive motions must be filed.  
6 Plaintiff requests that the new discovery deadline be March 1, 2006, and the new deadline for filing  
7 dispositive motions be April 1, 2006. This will give Plaintiff a fair opportunity to serve additional  
8 discovery requests upon the defendants if this Court grants Plaintiff the relief requested in the first  
9 part of this motion.

10 III. CONCLUSION

11 For the reasons stated above, Plaintiff respectfully requests that this Court enter an order  
12 granting Plaintiff leave to serve a second set of interrogatories on the defendants. Plaintiff  
13 respectfully requests that the discovery deadline be continued to March 1, 2006, the deadline for  
14 dispositive motions be continued to April 1, 2006, and the deadline for deadline for mediation  
15 pursuant to CR 39(1)(c)(3) be continued to April 10, 2006.

16 IV. PROPOSED ORDER

17 Attached.

18 Respectfully submitted this 16th day of December, 2005.

19 ROB McKENNA  
20 Attorney General

21 /s/ Katherine Tassi  
22 KATHERINE M. TASSI, WSBA #32908  
23 katherinet@atg.wa.gov  
24 Assistant Attorney General  
25 Attorneys for Plaintiff  
26 State of Washington

**CERTIFICATE OF SERVICE**

I certify that on December 16, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I certify that I caused the documents to be served on the following non CM/ECF participants by mail:

**Via certified Mail with a copy sent regular mail:**

Arlene Sediqzad & Avtech Direct  
4798 Regalo Road  
Woodland Hills, California 91362

Gary Hunziker  
Federal Inmate Reg #79238-012  
MDC Los Angeles  
PO Box 1500  
Los Angeles, CA 90053

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 16th day of December, 2005, at Seattle, WA.

/s/ Katherine M. Tassi  
KATHERINE M. TASSI  
katherinet@atg.wa.gov

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