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

DENNIS MONTGOMERY,

Plaintiff,

v.

JAMES RISEN, ET. AL.

Defendant.

No. 15-cv-1922

[Pending in the Southern District of
Florida, Case 15-20782-CIV]

**DENNIS MONTGEMERY'S
RESPONSE TO DEFENDANTS'
MOTION TO COMPEL COMPLIANCE
WITH SUBPOENA**

1 Dennis Montgomery, Plaintiff in the action *Montgomery v. Risen*, No. 15-cv-20782-JEM
2 (S.D. Fla. filed Feb. 24, 2015) (the "Underlying Action"), briefly responds to Defendants James
3 Risen, Houghton Mifflin Harcourt Publishing Company ("HMH"), and Houghton Mifflin
4 Harcourt Company ("HMHC")'s Motion To Compel Compliance With Subpoena (the "Motion
5 to Compel").
6

7 The Motion to Compel seeks an order directing Plaintiff's son-in-law, Istvan
8 Andras Burgyan, to comply with a subpoena (the "Subpoena") that purports to require
9 Burgyan to sit for a deposition and to produce documents.
10

11 The Motion to Compel was allegedly served on Mr. Burgyan on November 5, 2015 and
12 purportedly required Mr. Burgyan to appear for a deposition and produce documents on
13 November 19, 2015. Mr. Burgyan sent a facsimile on November 16, 2015, which stated that he
14 was objecting to the subpoena on the basis of insufficiency of service of process and that he
15 would not be appearing at the deposition. *See* Exhibits N and R to Defendants' Motion to
16 Compel.
17

18 Discovery in the Underlying Action ended on November 19, 2015. *See* Exhibit 1 at pp.
19 20. This Motion to Compel was not filed until December 7, 2015, well after the discovery
20 deadline had passed. Defendants had the opportunity to file this Motion to Compel at any
21 moment after they received Mr. Burgyan's facsimiles on November 16, 2015. However,
22 Defendants simply waited, for nearly 3 weeks before filing their Motion to Compel. Since this
23 motion was filed after the discovery deadline, and since there were no other motions pending
24 before the end of the discovery deadline, Defendants' Motion to Compel should respectfully be
25 denied.
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1 Further, this Motion to Compel was filed simply to harass Mr. Burgyan and his family
2 and to intimidate Plaintiff Dennis Montgomery. Defendants had previously attempted to harass
3 Mr. Burgyan by giving a picture of him and his family to the process server. The picture that
4 was provided included pictures of Mr. Burgyan's minor children, and was done for no reason
5 other than to just intimidate and harass him as well as Plaintiff Montgomery.
6

7 Given the circumstances, this Motion to Compel should respectfully be denied, as it was
8 filed after the close of discovery and was only filed in an attempt to harass and intimidate
9 Plaintiff Dennis Montgomery and his family.
10

11
12 Dated: December 10, 2015

13 Respectfully Submitted,

14
15 /s/ Dennis Montgomery
16 675 NW 85th Ct. #103,
17 Miami, Florida 33126

18 Pro Se
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 2015, a true and correct copy of the foregoing was served via CM/ECF or U.S. Mail upon the following:

Via CM/ECF:

Angela Galloway
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
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By U. S. Mail:

Istvan Burgyan
4425 Issaquah Pine Lake Road Southeast
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Sammamish, WA 98075-6255

/s/ Dennis Montgomery
Dennis Montgomery