

THE HONORABLE MARSHA PECHMAN

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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF WASHINGTON

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AT TACOMA

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CARLA SHORT, Individually and as Personal  
Representative of the Estate of DONALD J.  
SHORT

Case No. 2:19-cv-01270-MJP

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Plaintiff,

**ORDER GRANTING IN PART  
MODIFYING IN PART STIPULATED  
MOTION TO EXTEND DEADLINES**

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v.

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AIR & LIQUID SYSTEMS CORPORATION,  
et al.,

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Defendants.

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**RELIEF REQUESTED**

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Under LCR 16(b)(6), Defendant Warren Pumps, LLC, together with Plaintiff and all remaining Defendants (collectively the "Parties"), by and through their respective counsel of record, move this Court to enter an Order to continue the January 25, 2021 trial date and all remaining pre-trial deadlines for one month, subject to this Court's availability.

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**STUIPULATION**

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The Parties propose to continue the trial date and all remaining pre-trial deadlines one month to allow for further discovery, motion practice and trial preparation. The Parties are in the process of completing fact and expert depositions, with the following depositions currently on calendar:

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- September 16, 2020 - Deposition of William Powell Company
- September 17, 2020 -Deposition of Flowserve US, Inc.

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- September 18, 2020 – Deposition of Electrolux Home Products, Inc.
- September 22, 2020 - Deposition of Spirax Sarco, Inc.
- September 22, 2020 - Deposition of Margaret McClosky
- September 23, 2020 – Deposition of Warren Pumps
- September 23, 2020 – Deposition of James Delaney
- September 24, 2020 - Deposition of Chris Herfel
- September 25, 2020 - Deposition of Gerald Gjelfe
- September 28, 2020 - Deposition of Donna Ringo
- September 28, 2020 - Deposition of Howard Freeman
- September 29, 2020 - Deposition of Carl Brodtkin

The Parties request this additional time to complete these depositions and other discovery under a less compressed schedule, and prepare dispositive motions.

Under FRCP 16(b)(4), and for good cause, the Court may amend the case scheduling order.<sup>1</sup> “Good cause” in this context is primarily concerned with the diligence of the party seeking the amendment. Id. According to Fed. R. Civ. P. 16 advisory committee's notes, the district court may modify the pretrial schedule “if it cannot reasonably be met despite the diligence of the party seeking the extension.”<sup>2</sup> Good cause is met here as this is a complex civil matter with multiple parties.

Based on the foregoing, the Parties stipulate to the following:

1. Continue the trial date of January 25, 2021 for one month;
2. Continue the following pre-trial deadlines:

Deadline	Current Date	Stipulated Date (subject to court availability)
<b>15 DAYS Jury TRIAL</b> set for 09:00 AM on	01/25/2021	<b>05/03/2021</b>
All motions related to discovery must be FILED by	9/8/2020	<b>10/8/2020</b>

<sup>1</sup> Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 608 (9th Cir. 1992).

<sup>2</sup> Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment); Harrison Beverage Co. v. Dribeck Importers, Inc., 133 F.R.D. 463, 469 (D.N.J. 1990); Amcast Indus. Corp. v. Detrex Corp., 132 F.R.D. 213, 217 (N.D.Ind. 1990); Forstmann, 114 F.R.D. at 85; 6A Wright, Miller & Kane, Federal Practice and Procedure § 1522.1 at 231 (2d ed. 1990) (“good cause” means scheduling deadlines cannot be met despite party’s diligence).





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**ORDER**

Based on the foregoing Stipulation, the trial date is continued to May 3, 2021,  
and related deadlines are set as follows:

DATED this 28 day of September, 2020.

  
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HON. MARSHA J. PECHMAN  
UNITED STATES DISTRICT JUDGE

Presented by:

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