

Hon. Kymberly K. Evanson

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS E. DAVIS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SYMETRA LIFE INSURANCE COMPANY,

Defendant.

Case No. 2:21-cv-00533-KKE

**STIPULATION AND JOINT MOTION
TO MODIFY SCHEDULING ORDER
AND ORDER**

Noted on Motion Calendar: 10/10/2023

Pursuant to Local Civil Rules 16(b)(6), Plaintiff Dennis Davis and Defendant Symetra Life Insurance Company jointly and respectfully move this Court to modify the current scheduling orders at ECF No. 54.

Good cause exists for the modification and the Parties respectively request the Court consider the following modifications to the case schedule. The Parties are diligently pursuing discovery and completed rounds of written discovery and document production. Symetra has taken the Plaintiff's deposition and produced requested policy data. Additionally, Symetra has completed its voluminous, agreed-upon ESI production and provided its supplemental interrogatory responses. The Parties have been working cooperatively to push through this phase of this discovery. The Parties have also agreed to conduct a deposition of Symetra pursuant to Rule 30(b)(6). The Parties are currently conferring on the scope of certain topics as well as attempting to reach agreements that may streamline discovery into certain technical topics, like policyholder data. Due to witness availability and with the goal of reaching further agreement on certain 30(b)(6) topics, the Parties propose to conduct the 30(b)(6) deposition in the last week of October or the first week of November. To accommodate this ongoing and upcoming class discovery, the Parties met and conferred and jointly propose modifying the current case schedule to extend the current deadlines by four weeks as follows:

Event	Current Deadline (ECF 54)	Proposed Deadline
Class Discovery completed by this date	Thursday, October 12, 2023	Thursday, November 09, 2023
Deadline to file Plaintiff's motion for class certifications and class expert disclosure	Tuesday, November 21, 2023	Tuesday, December 19, 2023
Deadline for amended pleadings	Tuesday, November 21, 2023	Tuesday, December 19, 2023
Reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	Tuesday, November 21, 2023	Tuesday, December 19, 2023

Event	Current Deadline (ECF 54)	Proposed Deadline
Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objections to Plaintiff's experts	Wed., January 24, 2024	Wed., February 21, 2024
Reports from Defendant's expert witnesses under FRCP 26(a)(2)	Wed., January 24, 2024	Wed., February 21, 2024
Deadline to file Plaintiff's Reply brief in support of class certification motion and any objection to Defendant's experts	Friday, March 08, 2024	Friday, April 05, 2024
Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	Friday, March 08, 2024	Friday, April 05, 2024
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	Friday, April 26, 2024	Friday, May 24, 2024
Mediation per LCR 39.1, if requested by the parties, held no later than	Friday, May 31, 2024	Friday, June 28, 2024

It is the expectation of the Parties that the proposed schedule will narrow the issues and discovery remaining, if any, for trial. Accordingly, the Parties respectfully ask that the Court enter the above stipulated schedule.

1
2 Dated this 9th day of October, 2023

3
4 **TOUSLEY BRAIN STEPHENS PLLC**

5 By: /s/ Kim D. Stephens, P.S.
6 Kim D. Stephens, P.S., WSBA #11984
7 Rebecca L. Solomon, WSBA #51520
8 1200 Fifth Avenue, Suite 1700
9 Seattle, Washington 98101
10 Tel: 206-682-5600
11 Fax: 206-682-2992
12 kstephens@tousley.com
13 rsolomon@tousley.com

14 **STUEVE SIEGEL HANSON LLP**

15 Patrick J. Stueve (admitted *pro hac vice*)
16 Lindsay Todd Perkins (admitted *pro hac vice*)
17 Ethan M. Lange (admitted *pro hac vice*)
18 David A. Hickey (admitted *pro hac vice*)
19 460 Nichols Road Ste. 200
20 Kansas City, MO 64112
21 Tel: 816-714-7100
22 Fax: 816-714-7101
23 siegel@stuevesiegel.com
24 perkins@stuevesiegel.com
25 lange@stuevesiegel.com
26 hickey@stuevesiegel.com

27 **MILLER SCHIRGER, LLC**

28 John J. Schirger (admitted *pro hac vice*)
Matthew W. Lytle (admitted *pro hac vice*)
Joseph M. Feierabend (admitted *pro hac vice*)
MILLER SCHIRGER, LLC
4520 Main Street Ste. 1570
Kansas City, MO 64111
Tel: 816-561-6500
Fax: 816-561-6501
jschirger@millerschirger.com
mlytle@millerschirger.com
jfeierabend@millerschirger.com

Counsel for Plaintiff Dennis E. Davis

WILLKIE FARR & GALLAHER LLP

By: /s/ Laura Geist
Laura Geist, *pro hac vice*

Willkie Farr & Gallagher LLP
One Front Street
San Francisco, CA 94111
Tel: (415) 858-7400
Fax: (415) 858-7599
Email: lgeist@willkie.com

Medora A. Marisseau, WSBA No. 23114

Karr Tuttle Campbell

701 Fifth Ave., Ste. 3300
Seattle, WA 98104
Tel: (206) 223-1313
Fax: (206) 682-7100
Email: mmarisseau@karrtuttle.com

*Attorney for Defendant SYMETRA
LIFE INSURANCE COMPANY*

ORDER

Pursuant to the Parties' joint motion to modify scheduling order, the Parties' joint proposed schedule is adopted, as set forth below.

Event	Proposed Deadline
Class Discovery completed by this date	Thursday, November 09, 2023
Deadline to file Plaintiff's motion for class certifications and class expert disclosure	Tuesday, December 19, 2023
Deadline for amended pleadings	Tuesday, December 19, 2023
Reports from Plaintiff's expert witnesses under FCP 26(a)(2) for use in support of class certification	Tuesday, December 19, 2023
Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objections to Plaintiff's experts	Wed., February 21, 2024
Reports from Defendant's expert witnesses under FRCP 26(a)(2)	Wed., February 21, 2024
Deadline to file Plaintiff's Reply brief in support of class certification motion and any objection to Defendant's experts	Friday, April 05, 2024
Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	Friday, April 05, 2024
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	Friday, May 24, 2024
Mediation per LCR 39.1, if requested by the parties, held no later than	Friday, June 28, 2024

1
2 All other case deadlines, including expert discovery cutoff, last day to file dispositive
3 motion, and trial date will be determined after the Court's issuance of its decision on plaintiff's
4 motion for class certification. Notwithstanding the foregoing, parties may file any dispositive
5 motion early. The Parties are ordered to meet and confer within 21 days of the Court's class
6 certification ruling and submit a joint proposed schedule for the Court's consideration.
7

8
9 IT IS SO ORDERED.
10

11 Dated this 10th day of October 2023
12

13 
14

15 _____
16 Kimberly K. Evanson
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28