

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

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DIANA CUERVO,

Plaintiff,

v.

AMAZON.COM, INC., AMAZON.COM,  
SERVICES LLC, and CHRISTOPHER  
STOIA, in his individual and professional  
capacities,

Defendants.

No. 2:21-cv-00660-RSL

STIPULATED MOTION AND  
ORDER MODIFYING  
SCHEDULING ORDER AND  
EXTENSION OF TIME

**STIPULATION**

Pursuant to Federal and Local Rule of Civil Procedure 16, the parties, Plaintiff Diana Cuervo (“Plaintiff”) and Defendants Amazon.com, Inc., Amazon.com, Services LLC (“Amazon”), and Christopher Stoia (with Amazon, “Defendants”), by and through their undersigned counsel of record, hereby respectfully submit and jointly move the Court for a 30-day extension/continuance of the briefing schedule in response to Defendants’ Motion for Summary Judgment (Dkt. # 69-72) and other case deadlines. Counsel for the parties have conferred and agree that good cause exists to modify the case schedule, with reference to the following:

1. On May 15, 2023, the Court issued a Third Amended Order Setting Trial Date

1 and Related Dates, scheduling a two- to five-day jury trial to commence on December 4, 2032.  
2 Dkt # 63.

3 2. On July 14, 2023, the Court issued an Order Granting Motion for Relief from  
4 Discovery Deadline, extending the deadlines for the parties to complete discovery and hold a  
5 settlement conference. Dkt. # 68. No other changes to the Third Amended Order Setting Trial  
6 Date and Related Dates were made. *See id.*

7  
8 3. The Parties completed discovery in this matter on August 1, 2023.

9 4. On August 14, 2023, Defendants filed a Motion for Summary Judgment which  
10 was noted for September 8, 2023. Dkt. # 69-72. Plaintiffs' opposition to that Motion is currently  
11 due September 5, 2023.

12 5. Counsel for Plaintiff, Mr. Pearson and Mr. Pelicci, have been serving as sole trial  
13 counsel in a jury trial that began on August 21, 2023 in Virginia, and have been actively engaged  
14 in preparing for, serving as lead counsel for the plaintiff in, and attending that trial.

15  
16 6. In addition, counsel for Plaintiff Mr. Pelicci has been responsible for caring for  
17 an ill family member who has been in the hospital for multiple weeks in August 2023, requiring  
18 him to take time away from work to attend to this family member.

19 7. As a result, the Parties' counsel have discussed that due to these scheduling  
20 conflicts, the Parties need additional time to complete briefing in response to Defendants' Motion  
21 for Summary Judgment.

22  
23 8. By email, the Parties' counsel have met and conferred regarding upcoming  
24 scheduling deadlines and these conflicts, and all Parties agree that additional time is warranted  
25 to complete relevant case deadlines.

26 9. Therefore, in light of the foregoing, the Parties respectfully request that the

1 currently scheduled deadline for responding to Defendants’ Motion for Summary Judgment be  
 2 extended by 30 days, with corresponding adjustments to other previously ordered dates and  
 3 deadlines. The Parties are specifically requesting that the deadline for Plaintiff’s response to  
 4 Defendants’ Motion for Summary Judgment be extended from September 5, 2023 to October 9,  
 5 2023, and Defendants’ reply brief be extended from September 8, 2023 to October 27, 2023.  
 6

7 10. The Parties have previously requested four modifications of the discovery  
 8 schedule or a continuance of the trial date.

9 11. The Parties therefore respectfully bring this Stipulated Motion in good faith and  
 10 without intent to cause undue delay, prejudice, or expense on any other party or this Court.

11 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS  
 12 FOLLOWS:

13 1. The following dates on the Court’s May 15, 2023 Third Amended Order Setting  
 14 Trial Date and Related Dates (Dkt. # 63) and July 14, 2023 Minute Order Granting Motion for  
 15 Relief from Discovery Deadline (Dkt. # 68) shall be modified as shown below:  
 16

<u>EVENT</u>	<u>CURRENT DATE</u>	<u>NEW DATE</u>
Deadline for Plaintiff to File Response to Defendants’ Motion for Summary Judgment	September 5, 2023	October 9, 2023
Deadline for Defendants to File Reply to Defendants’ Motion for Summary Judgment and Noting Date for Motion	September 8, 2023	October 27, 2023
Settlement Conference of Counsel Deadline	August 25, 2023	November 6, 2023

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

<u>EVENT</u>	<u>CURRENT DATE</u>	<u>NEW DATE</u>
Motions in Limine Filing Deadline (Must be Noted No Earlier than the Second Friday Thereafter. Replies will be Accepted.)	October 13, 2023	January 12, 2024
Agreed Pretrial Order Due	November 6, 2023	February 5, 2024
Trial Briefs, Proposed Voir Dire Questions, Proposed Jury Instructions, and Trial Exhibits	November 29, 2023	February 26, 2024
Trial	December 4, 2023	March 4, 2024

2. This Order shall not revive pretrial deadlines that have already expired.

SO STIPULATED this 30th the day of August, 2023.

By: s/Elizabeth Ann Hanley  
 Elizabeth Ann Hanley  
 SCHROETER GOLDMARK & BENDER  
 401 Union St., SUITE 3400  
 Seattle, WA 98101  
 Telephone: (206) 622-8000  
 Facsimile: (206) 682-2305  
[hanley@sgb-law.com](mailto:hanley@sgb-law.com)

By: s/Lawrence M. Pearson  
 Lawrence M. Pearson (admitted *pro hac vice*)  
 Alfredo J. Pelicci (admitted *pro hac vice*)  
 WIGDOR LLP  
 85 Fifth Avenue  
 New York, NY 10003  
 Telephone: (212) 257-6800  
 Facsimile: (212) 257-6845  
[lpearson@wigdorlaw.com](mailto:lpearson@wigdorlaw.com)  
[apelicci@wigdorlaw.com](mailto:apelicci@wigdorlaw.com)

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

*Attorneys for Plaintiff Diana Cuervo*

By: s/Todd L. Nunn  
Todd L. Nunn, WSBA #23267  
K&L GATES LLP  
925 Fourth Avenue, Suite 2900  
Seattle, WA 98104-1158  
Telephone: (206) 623-7580  
Facsimile: (206) 623-7022  
[Todd.Nunn@klgates.com](mailto:Todd.Nunn@klgates.com)

By: s/Megan Cooney  
Megan Cooney (admitted *pro hac vice*)  
GIBSON, DUNN & CRUTCHER LLP  
3161 Michelson Drive, Suite 1200  
Irvine, CA 92612-4412  
Telephone: (949) 451-3800  
Facsimile: (949) 451-4220  
[mcooney@gibsondunn.com](mailto:mcooney@gibsondunn.com)

*Attorneys for Defendants Amazon.com, Inc.,  
Amazon.com Services LLC and Christopher  
Stoia*

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

**ORDER**

Upon consideration of the Stipulated Motion Modifying the Scheduling Order, and good cause having been shown, it is hereby ORDERED that the Stipulated Motion is GRANTED and it is **SO ORDERED** that the following pretrial deadlines are extended and/or modified as follows:

<u>EVENT</u>	<u>CURRENT DATE</u>	<u>NEW DATE</u>
Deadline for Plaintiff to File Response to Defendants’ Motion for Summary Judgment Opposition	September 5, 2023	October 9, 2023
Deadline for Defendants to File Reply to Defendants’ Motion for Summary Judgment Reply and Noting Date for Motion	September 8, 2023	October 27, 2023
Settlement Conference of Counsel Deadline	August 25, 2023	November 6, 2023
Motions in Limine Filing Deadline (Must be Noted No Earlier than the Second Friday Thereafter. Replies will be Accepted.)	October 13, 2023	January 12, 2024
Agreed Pretrial Order Due	November 6, 2023	February 5, 2024
Trial Briefs, Proposed Voir Dire Questions, Proposed Jury Instructions, and Trial Exhibits	November 29, 2023	February 26, 2024
Trial	December 4, 2023	March 4, 2024

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

The Clerk of Court is directed to renote defendant’s motion for summary judgment on the Court’s calendar for Friday, October 27, 2023.

Dated this 31st day of August, 2023.

*Robert S. Lasnik*  
ROBERT S. LASNIK  
United States District Judge