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THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAVIER TAPIA,

Plaintiff,

v.

NAPHCARE, INC., and PIERCE COUNTY,

Defendants.

No. 2:22-cv-01141

**STIPULATED MOTION AND  
ORDER TO AMEND THE CASE  
SCHEDULE**

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Civil Rule 16(b)(6), all parties in this action jointly move the Court for entry of an order extending the remaining case deadlines. The parties believe that there is good cause to extend the trial date, and related pretrial deadlines, as the proposed schedule will ensure efficiency and conserve judicial resources.

“The decision to modify a scheduling order is within the broad discretion of the district court,” and the Court may do so on a showing of good cause. *White v. Ethicon, Inc.*, No. 20-952, 2022 WL 596407, at \*1 (W.D. Wash. Feb. 28, 2022); Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(6). The good cause standard “primarily considers the diligence of the party seeking amendment.” *Ginzkey v. Nat’l Sec. Corp.*, No. 18-1773, 2022 WL 1110976, at \*1 (W.D. Wash. Mar. 10, 2022) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.

1 1992)). Good cause exists where the “schedule . . . cannot reasonably be met despite the diligence  
2 of the parties seeking the extension.” *Johnson*, 975 F.2d at 609 (citing Fed. R. Civ. P. 16 advisory  
3 committee’s notes (1983 amendment)). The rule is intended to “accomplish effective pretrial  
4 procedures and to avoid wasting the time of the parties, counsel, and the court.” LCR 16(b)(4).

5 The Court’s Scheduling Order does not explicitly set forth deadlines for expert discovery  
6 and *Daubert* motions. Dkt. No. 50 at 1. Good cause exists to extend the deadlines for dispositive  
7 motions and other pretrial deadlines as the parties’ ability to prepare motions for summary  
8 judgment, necessarily depends on the parties’ ability to develop a complete factual record and  
9 assess the adequacy of the expert testimony. Accordingly, the extension will “accomplish effective  
10 pretrial procedures,” and ensure the efficiency of trial, which will, in turn, “avoid wasting the time  
11 of the parties, counsel, and the court.” LCR 16(b)(4).

12 Further, Defendants NaphCare and Pierce County believe good cause exists to sequence  
13 *Daubert* motions and motions for summary judgment so that the Court can determine what expert  
14 opinions are admissible before the parties submit dispositive motions, which will rely heavily on  
15 expert opinions. Should the current schedule not provide the Court time to resolve the *Daubert*  
16 motions in advance of the deadline to file motions for summary judgment, Defendants reserve  
17 their right to request a further extension of the deadline to file motions for summary judgment.  
18 Plaintiff does not believe such sequencing is necessary or beneficial.

19 Good cause, therefore, exists to extend the deadlines for dispositive motions, and extend  
20 the remaining case deadlines as follows:  
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	<b>Current Date</b>	<b>Proposed New Date</b>
Deadline for Expert Disclosures and Reports		March 15, 2024
Deadline for Rebuttal Expert Disclosures and Reports		April 15, 2024
Discovery Cut-Off	March 15, 2024	May 15, 2024
Deadline to File <i>Daubert</i> Motions	April 15, 2024	June 10, 2024
Mediation to be Completed	April 1, 2024	July 1, 2024
Deadline to File Motions for Summary Judgment	April 15, 2024	September 16, 2024
Motions in Limine	July 5, 2024	November 29, 2024
Pretrial Order	July 5, 2024	November 29, 2024
Proposed Verdict Forms, Voir Dire, and Jury Instructions	July 8, 2024	December 2, 2024
Trial Briefs	July 11, 2024	December 5, 2024
Jury Trial	July 15, 2024	December 9, 2024

1 DATED October 25, 2023

s/ David. A. Perez

2 David A. Perez, WSBA No. 43959  
3 Juliana Bennington, WSBA No. 60357  
4 Jedidiah K.R. Blake, WSBA No. 59610  
5 **Perkins Coie LLP**  
6 1201 Third Avenue, Suite 4900  
7 Seattle, WA 98101-3099  
8 Telephone: 206.359.8000  
9 Facsimile: 206.359.9000  
10 E-mail: Dperez@perkinscoie.com  
11 JBennington@perkinscoie.com  
12 JBlake@perkinscoie.com

13 Jacob Dean (*Admitted Pro Hac Vice*)  
14 **Perkins Coie LLP**  
15 1888 Century Park East, Suite 1700  
16 Los Angeles, CA 90067-1721  
17 Telephone: 310.788.3365  
18 Facsimile: 310.788.3365  
19 E-mail: JacobDean@perkinscoie.com

20 *Attorneys for Defendant NaphCare, Inc.*

21 s/ Kristal M. Cowger

22 Kristal M. Cowger, WSBA # 43079  
23 **Pierce County Prosecuting Attorney**  
24 930 Tacoma Avenue South, Suite 946  
25 Tacoma, WA 98402-2102  
26 Telephone: 253.798.4265  
Email: kristal.cowger@piercecounywa.gov

*Attorney for Defendant Pierce County*

s/ Ryan Dreveskracht

Ryan Dreveskracht, WSBA No. 42593  
Corinne Sebren, WSBA No. 58777  
Galanda Broadman, PLLC  
8606 35th Avenue NE, Ste. L1  
P. O. Box 15146  
Seattle, WA 98115  
Telephone: 206.909.3842  
Facsimile: 206.299.7690  
E-mail: ryan@galandabroadman.com  
E-mail: corinne@galandabroadman.com

*Attorneys for Plaintiff*

**ORDER**

**IT IS SO ORDERED.**

Dated this 26<sup>th</sup> day of October, 2023



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Kymberly K. Evanson  
United States District Judge

Presented by:

s/ David. A. Perez

David A. Perez, WSBA No. 43959  
Juliana Bennington, WSBA No. 60357  
Jedidiah K.R. Blake, WSBA No. 59610  
**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: 206.359.8000  
Facsimile: 206.359.9000  
E-mail: Dperez@perkinscoie.com  
JBennington@perkinscoie.com  
JBlake@perkinscoie.com

Jacob Dean (*Admitted Pro Hac Vice*)  
**Perkins Coie LLP**  
1888 Century Park East, Suite 1700  
Los Angeles, CA 90067-1721  
Telephone: 310.788.3365  
Facsimile: 310.788.3365  
Email: JacobDean@perkinscoie.com

*Attorneys for Defendant NaphCare, Inc.*

s/ Kristal M. Cowger

Kristal M. Cowger, WSBA # 43079  
**Pierce County Prosecuting Attorney**  
930 Tacoma Avenue South, Suite 946  
Tacoma, WA 98402-2102  
Telephone: 253.798.4265  
Email: kristal.cowger@piercecountywa.gov

*Attorney for Defendant Pierce County*

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s/ Ryan Dreveskracht  
Ryan Dreveskracht, WSBA No. 42593  
Corinne Sebren, WSBA No. 58777  
**Galanda Broadman, PLLC**  
8606 35th Avenue NE, Ste. L1  
P. O. Box 15146  
Seattle, WA 98115  
Telephone: 206.909.3842  
Facsimile: 206.299.7690  
E-mail: ryan@galandabroadman.com  
E-mail: corinne@galandabroadman.com

*Attorneys for Plaintiff*