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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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ERICKA BOHNEL, an individual;  
ROSA MARTINEZ, an individual,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION,

Defendant.

NO. 2:18-cv-00081-WBS-  
DMC

ORDER RE: PLAINTIFFS'  
MOTION TO CONTINUE  
TRIALS

MICHELLE HILL, an individual;  
ARIEL EPSTEIN POLLACK, an  
individual,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION,

Defendant.

NO. 2:17-cv-01604-WBS-DB

1  
2 Plaintiffs assert personal injury claims against  
3 JetBlue arising out of an August 2016 turbulence incident on  
4 JetBlue Airways Flight 429 from Boston Logan International  
5 Airport to Sacramento International Airport. (Hill Compl. (Hill  
6 Docket No. 1); Bohnel Compl. (Bohnel Docket No. 1).) Liability  
7 discovery in Bohnel et al v. Jetblue Airways Corporation (2:18-  
8 cv-00081-WBS-DMC) has been consolidated with that in Hill, et al  
9 v. Jetblue Airways Corporation (No. 2:17-cv-01604-WBS-DB). (See  
10 Bohnel Docket No. 17; Hill Docket No. 26.) Both cases concern  
11 the same August 2016 turbulence incident. Presently before the  
12 court is plaintiffs' Motion to Continue Trial Date. (See Bohnel  
13 Docket No. 24; Hill Docket No. 30.)

14 Plaintiffs ask this court to shift the trial dates and  
15 the discovery deadlines in Hill and Bohnel forward so that they  
16 may have time to conduct discovery before trial.<sup>1</sup> Defendant does  
17 not object to the continuance of the trial dates in Hill and  
18 Bohnel.<sup>2</sup> (See Response to Pl.'s Mot. to Continue Trial at 2

19 \_\_\_\_\_  
20 <sup>1</sup> The National Transportation Safety Board is currently  
21 investigating the August 2016 turbulence incident that gave rise  
22 to plaintiffs' alleged injuries. (See Luke Decl. Ex 1 (Hill  
23 Docket No. 31-1).) As a result, JetBlue is subject to an  
24 investigative hold by the Board and JetBlue's ability to respond  
25 to plaintiffs' discovery requests is circumscribed by federal  
26 regulations. (See id.) Plaintiffs state that the investigative  
27 hold has hampered their ability to conduct discovery and placed  
28 the parties in a "holding pattern." (Mot. to Continue Trial Date  
at 5.)

<sup>2</sup> Confusingly, JetBlue's Response to Plaintiff's Motion  
to Continue Trial Date indicates that it objects "to the  
consolidation of the damages trial portion of all four  
[p]laintiffs' cases." (See Response to Pl.'s Mot. to Continue  
Trial at 2 (Hill Docket No. 32; Bohnel Docket No. 26).) Given  
that plaintiffs are moving to continue the trial dates in Hill

1 (Bohnel Docket No. 26; Hill Docket No. 32).)

2 In light of plaintiffs' diligence in attempting to  
3 conduct discovery in a timely manner, the need for a continuance,  
4 the lack of objection to the continuance, and the potential  
5 prejudice to plaintiffs if their motion is denied, the court will  
6 grant plaintiffs' Motion to Continue Trial. (Bohnel Docket No.  
7 24; Hill Docket No. 30.) See United States v. 2.61 Acres of  
8 Land, More or Less, Situated in Mariposa Cty., 791 F.2d 666, 671  
9 (9th Cir. 1985) (discussing factors to be evaluated by courts  
10 considering motions to continue trial).

11 Accordingly, the court modifies the scheduling orders  
12 in Hill (Docket No. 26) and Bohnel (Docket No. 17) as follows:

13 Fact discovery completion	December 30, 2019.
14 Expert witness disclosure	June 8, 2020
15 Rebuttal witness disclosure	July 6, 2020
16 Discovery completion deadline	August 3, 2020
17 Dispositive motion deadline	September 14, 2020
18 Final pretrial conference	October 26, 2020 at 1:30 p.m.
19 <u>Hill</u> Trial	January 5, 2021 at 9:00 a.m.
20 <u>Bohnel</u> Trial	January 20, 2021 at 9:00 a.m.

21 IT IS THEREFORE ORDERED that Plaintiffs' Motion to  
22 Continue the Trial Date (Hill Docket No. 30; Bohnel Docket No.  
23 24) is GRANTED and the dates and deadlines of the Status  
24 (Pretrial Scheduling) Order (Bohnel Docket No. 17; Hill Docket  
25 No. 26) are modified as described herein.

26  
27 and Bohnel, and not to consolidate, the court will ignore  
28 JetBlue's objections to the consolidation of the trials on the  
damages issue.

1 Dated: August 7, 2019



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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