

The Honorable Edward F. Shea

Thomas D. Adams
Celeste Mountain Monroe
KARR TUTTLE CAMPBELL
1201 Third Avenue, Suite 2900
Seattle, Washington 98101-3028
(206) 223-1313
Attorneys for North Central Regional Library District

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

SARAH BRADBURN, PEARL)	
CHERRINGTON, CHARLES)	
HEINLEN, and THE SECOND)	NO. CV-06-327-EFS
AMENDMENT FOUNDATION,)	
)	JOINT MOTION TO MODIFY CASE
Plaintiffs,)	SCHEDULING ORDER
)	
v.)	
)	
NORTH CENTRAL REGIONAL)	
LIBRARY DISTRICT,)	
)	
Defendant.)	
)	

On February 27, 2007, the Court entered a scheduling order in the above-captioned case following a telephonic status conference with counsel. In June

MOTION TO MODIFY CASE
SCHEDULING ORDER - 1

CV-06-327-EFS
#642143 v1 / 42703-001

Law Offices
KARR TUTTLE CAMPBELL
A Professional Service Corporation
1201 Third Avenue, Suite 2900, Seattle, Washington 98101-3028
Telephone (206) 223-1313, Facsimile (206) 682-7100

1 2007, Plaintiffs requested an extension to identify their experts and disclose their
2 reports. Defendant granted Plaintiffs' request with the understanding Defendant
3 would receive additional time to prepare its expert disclosures. The parties
4 stipulated to a modification of the case schedule and acted in reliance upon it.
5 This stipulation was filed on June 28, 2007, however, it was never entered by
6 the Court, apparently because it was not accompanied by a motion to modify the
7 case schedule.
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11 By this motion, the parties jointly request the Court amend the original
12 scheduling order to reflect the dates contained herein, as opposed to those filed
13 on June 28, 2007. Good cause exists for this request. Defendant has been
14 diligently working with its expert but has been advised by its expert that more
15 time is needed to prepare the report and complete the underlying work.
16 Plaintiffs will naturally require time to rebut Defendant's report.
17
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19 The parties move to amend the case scheduling order as follows:
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21 • Defendant shall identify its experts, serve those experts' Rule 26(a)(2)
22 reports on Plaintiffs, and file the Rule 26(a)(2) reports with the Court no later
23 than **October 12, 2007**. Defendant shall also provide dates for which those
24 experts can be available for deposition.
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MOTION TO MODIFY CASE
SCHEDULING ORDER - 2

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1 • Plaintiffs shall identify their rebuttal experts, serve those experts'
2 Rule 26(s)(2) reports on Defendant, and file the Rule 26(a)(2) reports on
3 Defendant, and file the Rule 26(a)(2) reports with the Court no later than
4 **November 9, 2007**. Plaintiffs shall also provide dates for which those experts
5 can be available for deposition.
6

7 • All discovery, including depositions and perpetuation depositions, shall
8 be completed by **November 16, 2007** ("Discovery Cutoff"). All interrogatories,
9 requests for production, and requests for admission shall be served on the
10 opposing party no later than 70 days prior to the Discovery Cutoff. All motions
11 for protective orders must be filed and served no later than 40 days prior to the
12 Discovery Cutoff. All motions to compel discovery must be filed and served no
13 later than 30 days prior to the Discovery Cutoff.
14

15 • All dispositive and *Daubert* motions shall be filed and served on or before
16 **November 30, 2007**. Responses to dispositive and *Daubert* motions shall be
17 filed and served within 21 days after service of the motion. The reply of the
18 moving party shall be filed and served on January 4, 2008. The parties shall
19 also file a Joint Statement of Uncontroverted Facts for purposes of Federal Rule
20 of Civil Procedure 56(d); this Statement shall be filed and served 3 days
21 (excluding federal holidays and weekends) after service of the reply, with a
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28 MOTION TO MODIFY CASE

SCHEDULING ORDER - 3

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1 courtesy copy e-mailed to Sheaorders@waed.uscourts.gov in WordPerfect or
2 text-only format.
3

4 No supplemental response or supplemental replies to any dispositive or
5 *Daubert* motion may be filed unless the Court grants a motion to file such
6 documents. Contrary to the Local Rules, dispositive and *Daubert* motions shall
7 be noted for hearing at least 45 days after the date of filing. The parties will
8 receive only one hearing date per month for dispositive motions of up to five
9 issues per party.
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11
12 • To the extent that the proposed amendments to the case scheduling order
13 require a change in the trial date, (now set for January 22, 2008), the parties
14 understand and agree that all other deadlines not included within this motion
15 will be set based on the new trial date.
16
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18 In addition to the amendments proposed herein, the parties request the
19 case scheduling include a date by which a settlement conference occur. The
20 parties propose a deadline of **January 22, 2008**.
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28 MOTION TO MODIFY CASE
SCHEDULING ORDER - 4
CV-06-327-EFS
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Telephone (206) 223-1313, Facsimile (206) 682-7100

1 DATED this 13th day of September, 2007.

2 KARR TUTTLE CAMPBELL

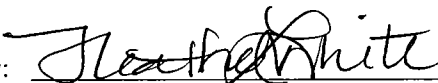
3
4
5 /s/ Thomas D. Adams
6 Thomas D. Adams, WSBA #18470
7 E-mail: tadams@karrtuttle.com
8 Celeste M. Monroe, WSBA #35843
9 E-mail: cmonroe@karrtuttle.com
10 Attorney for Defendant North Central
11 Regional Library District
12 KARR TUTTLE CAMPBELL
13 1201 Third Avenue, Suite 2900
14 Seattle, Washington 98101
15 Telephone: 206.223.1313
16 Facsimile: 206.682.7100

17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on September 13, 2007, I electronically filed the foregoing with the Clerk of the
19 Court using the CM/ECF system which will send notification of such filing to the persons listed below:

20 Duncan Manville
21 Rafel Manville PLLC
22 999 Third Ave., Ste. 1600
23 Seattle, WA 98104

24 KARR TUTTLE CAMPBELL

25 By: 
26 Heather L. White
27 hwhite@karrtuttle.com