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4 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

5 SARAH BRADBURN, et al.,

6 Plaintiffs,

7 v.

8 NORTH CENTRAL REGIONAL
9 LIBRARY DISTRICT,

10 Defendant.

NO. CV-06-327-EFS

**ORDER GRANTING JOINT MOTIONS
TO MODIFY CASE SCHEDULING
ORDER ON EXPEDITED BASIS**

11 BEFORE THE COURT, without oral argument, are Joint Motions to Modify
12 Case Scheduling Order (Ct. Rec. 15) and for Expedited Hearing (Ct. Rec.
13 14). After reviewing the submitted material, the Court finds good cause
14 to modify the Scheduling Order (Ct. Rec. 9) to extend pretrial deadlines.
15 As a result of these extensions, a continuance of the pretrial conference
16 and trial are necessary. The deadlines set forth in this Order may be
17 amended **only** by Order of the Court and upon a showing of good cause. **IT**

18 **IS HEREBY ORDERED:**

19 1. The Joint Motions to Modify Case Scheduling Order (**Ct. Rec. 15**)
20 and for Expedited Hearing (**Ct. Rec. 14**) are **GRANTED**.

21 2. Rule 26(a)(2) Expert Identification and Reports - Parties are
22 warned that failure to timely identify experts and provide reports in
23 accordance with Rule 26 and this scheduling order may result in exclusion
24 of such testimony absent good reason. *See Wong v. Regents of the Univ.*
25 *of Cal.*, 410 F.3d 1052 (9th Cir. 2005).
26

1 a. Defendant shall identify its experts and serve those
2 experts' Rule 26(a)(2) reports on Plaintiffs no later than **October 12,**
3 **2007.** Defendant shall also provide dates for which those experts can be
4 available for deposition.

5 b. Plaintiffs shall identify their rebuttal experts and serve
6 those experts' Rule 26(a)(2) reports on Defendant no later than **November**
7 **9, 2007.** Plaintiffs shall also provide dates for which those experts can
8 be available for deposition.

9 Counsel is directed to e-mail the Rule 26(a)(2) reports to
10 sheaorders@waed.uscourts.gov at the time they serve the opposing counsel.
11 Counsel is then directed to file a Notice with the Court indicating their
12 compliance with this Scheduling Order's Rule 26(a)(2) requirements.

13 3. All discovery, including depositions and perpetuation
14 depositions, shall be completed by **November 16, 2007** ("Discovery
15 Cutoff"). All interrogatories, requests for production, and requests for
16 admission shall be served on the opposing party no later than 70 days
17 prior to the Discovery Cutoff. All motions for protective orders must
18 be filed and served no later than 40 days prior to the Discovery Cutoff.
19 All motions to compel discovery must be filed and served no later than
20 30 days prior to the Discovery Cutoff.

21 4. **THE PARTIES SHALL FILE NO DISCOVERY EXCEPT THOSE PORTIONS**
22 **NECESSARY TO SUPPORT MOTIONS OR OBJECTIONS.**

23 5. All dispositive and *Daubert* motions shall be **FILED AND SERVED** on
24 or before **November 30, 2007.** Responses to dispositive and *Daubert*
25 motions shall be filed and served within 21 days after service of the
26 motion. The reply of the moving party shall be filed and served 5 days,

1 excluding federal holidays and weekends, after service of the opposing
2 party's response. The parties shall also file a Joint Statement of
3 Uncontroverted Facts for purposes of Federal Rule of Civil Procedure
4 56(d); this Statement shall be filed and served 3 days (excluding federal
5 holidays and weekends) after service of the reply, with a courtesy copy
6 e-mailed to Sheaorders@waed.uscourts.gov in WordPerfect or text-only
7 format.

8 No supplemental responses or supplemental replies to any dispositive
9 or *Daubert* motion may be filed unless the Court grants a motion to file
10 such documents. Contrary to the Local Rules, dispositive and *Daubert*
11 motions **shall be noted for hearing at least 45 days** after the date of
12 filing. The parties will receive only one hearing date per month for
13 dispositive motions of up to five issues per party.

14 Parties must identify any issue of liability or damages which should
15 be certified to the State Supreme Court no later than the date for the
16 filing of dispositive motions.

17 6. When a party relies on deposition testimony to support a position
18 it takes in support or opposition to an issue, that party shall provide
19 the Court with only the pertinent excerpts of the deposition testimony
20 relied upon and shall cite to page and line numbers of the deposition it
21 believes supports its position. See generally LR 56.1(e). Submission
22 of the entire deposition and/or failure to cite to specific portions of
23 the deposition may result in the submission being stricken from the
24 record. See *Orr v. Bank of Am.*, 285 F.3d 764, 774-75 (9th Cir. 2002).
25 In addition, when a party references a document previously filed with or
26 by the Court, that party shall cite to the document by the record number

1 given to the document by the Clerk of the Court, e.g. (Ct. Rec. 43).
2 Furthermore, because the Court is able to easily review previously filed
3 court records, no such documents shall be attached as exhibits to any
4 filing.

5 7. Although Motions to Reconsider are disfavored, any Motion to
6 Reconsider shall be filed no later than 10 days after the filing date of
7 the Order which is the subject of the motion, and shall be noted for
8 hearing **without oral argument**. No responses or replies to Motions to
9 Reconsider shall be filed, unless the Court expressly requests responses
10 or replies. Counsel shall follow CR 7(h) of the United States District
11 Court **Western District of Washington** local rules. **Motions to Reconsider**
12 **shall not exceed five pages.**

13 8. Parties are to comply with Local Rule 7.1(h) when noting motions
14 for hearing, except as modified by this Court for dispositive and *Daubert*
15 motions as set out above. If oral argument is necessary, counsel shall
16 contact the Courtroom Deputy at 509-376-7262 to obtain a hearing date and
17 time.

18 If there is need to have a motion heard on an expedited basis, the
19 party must file a Motion for Expedited Hearing and an accompanying
20 memorandum establishing need for an expedited hearing. The Motion for
21 Expedited Hearing shall be noted for hearing, without oral argument, no
22 sooner than two days after the filing date of the motion, absent good
23 cause shown.

24 9. All other dates and deadlines in the Court's Scheduling Order
25 (Ct. Rec. 9) are **STRICKEN** to be reset at the telephonic Scheduling
26 Conference set for **October 3, 2007, at 8:45 a.m.** The parties are to call

1 into the Court's public conference line (509-376-8880); use of cell-
2 phones is prohibited. Ten days in advance of the hearing, the parties
3 are to submit a joint statement advising the Court as to available trial
4 dates beginning March 2007 and thereafter.

5 IT IS SO ORDERED. The District Court Executive is hereby directed
6 to enter this Order and to furnish copies to counsel.

7 **DATED** this 18th day of September 2007.

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s/ Edward F. Shea

EDWARD F. SHEA
United States District Judge

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