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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING, *et al.*,

Plaintiffs,

v.

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER DAY SAINTS, *et al.*,

Defendants.

CASE NO. C04-2338RSM

ORDER DENYING MOTION TO
TAKE DEPOSITIONS AFTER
DISCOVERY CUTOFF

This matter comes before the Court on defendants’ Motion for Leave to Take Depositions After Discovery Cutoff. (Dkt. #116). Defendants essentially argue that leave should be granted to take the depositions of five additional fact witnesses and four record depositions because all parties have been deposing witnesses after the discovery cutoff date. Plaintiff R. K., the only remaining plaintiff in this case, opposes the motion, arguing that defendants’ prior discovery agreements should now preclude them from taking more depositions just two and a half months before trial, and that he will be prejudiced if defendants are now allowed to take such depositions. (Dkt. #118).

Having reviewed defendants’ motion, plaintiff’s response, defendants’ reply, and the remainder of the record, the Court hereby finds and ORDERS:

ORDER
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1 (1) Defendants' Motion for Leave to Take Depositions After Discovery Cutoff (Dkt.
2 #118) is DENIED. The Court finds that defendants have failed to show good cause why this
3 Court should allow them to take their proposed depositions, especially in light of the fact that
4 they have known of the identified witnesses long before the original discovery deadline of
5 October 31, 2005, and long before they agreed with plaintiff to a finite set of depositions that
6 would take place after the discovery cutoff deadline.

7 (2) The Clerk shall forward a copy of this Order to all counsel of record.

8 DATED this 26th day of July, 2006.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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