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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING AND JOHN DOE,

Plaintiffs.

NO. CV4-2338-RSM

vs.

JOINT STATUS REPORT

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah Corporation
sole, a/k/a "MORMON CHURCH," LDS
SOCIAL SERVICES a/k/a LDS FAMILY
SERVICES, a Utah Corporation.

Defendants.

The parties hereby submit their Joint Status Report and Discovery Plan pursuant to the Court's order of January 29, 2002, FRCP 26(f) and Local Rule CR 16.

1. Nature and Complexity of the Case

Plaintiffs, Kenneth Fleming and John Doe, assert claims against the Corporation of the President of the Church of Jesus Christ of Latter-Day Saints a/d/a Mormon Church and LDS Social Services arising from the childhood sexual abuse at the hands of Jack Loholt, a Mormon scoutmaster. The complaint sounds in negligence, breach of fiduciary duty,

JOINT STATUS REPORT - 1 of 6
(C04-2338RSM)
[134580 v8]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 - FACSIMILE (206) 676-7575

1 negligent infliction of emotional distress, fraudulent concealment and civil conspiracy.
2 Defendants deny the allegations. The case is of average complexity.
3

4 **2. ADR Method**

5 The parties agree to mediation under LR 39.1, or other agreeable private mediation.
6 The parties agree to discuss and agree upon a suitable mediator following additional
7 discovery.

8 **3. Scheduling of ADR**

9 The parties agree to schedule ADR following discovery in this case. The parties agree
10 to discuss whether the case is ready for ADR within four months of the filing of this report on
11 or before May 28, 2005.

12 **4. Deadline for Adjoining Additional Parties.**

13 Plaintiffs intends to add at least three additional plaintiffs. These plaintiffs may be
14 added within the next month. Plaintiffs believe there are additional victims who may desire to
15 join the lawsuit. The parties cannot agree on a deadline for joining additional parties.
16 Defendants suggest a February 28, 2005 date. Plaintiffs request an April 28, 2005 date.
17 Thereafter, if additional parties need to be added, the party seeking to add additional parties
18 will do so by leave of court.
19

20 **5. Proposed Discovery Plan**

21 A. The FRCP 26(f) conference took place on January 5, 2005. The parties
22 served their FRCP 26(a) Initial Disclosures on January 21, 2005.

23 B. Discovery will be needed on plaintiffs' claims and defendants' denials
24 and affirmative defenses. The parties anticipate written discovery and lay and expert
25 depositions. The parties do not believe any phasing, limitations or special focus is necessary.
26

1 C. The parties believe discovery should be conducted pursuant to the
2 FRCP and the Local Rules and do not propose any changes at this time.

3 D. The parties believe that discovery can be managed without any special
4 limitations. The parties reserve the right to bring any discovery issues before the court if
5 either side deems necessary.

6 E. The parties do not believe that any other order should be entered by the
7 court under FRCP 26(c), Local Rule CR 16(b) and (c) at this time.

8
9 **6. Discovery Deadline**

10 The parties believe discovery can be completed within nine months, assuming no new
11 parties are added and that witnesses are reasonably available.

12 **7. Magistrate Judge**

13 The parties agree that a full-time magistrate judge should not conduct all proceedings.

14 **8. Bifucation**

15 The parties do not believe this case should be bifurcated.

16 **9. Pre-Trial Statements/Order**

17 At this time the parties are not in agreement as to whether pretrial statements and
18 pretrial order called for by Local Rule CR 16(e), (h), (i), (l), and 16.1 should be dispensed
19 with in whole or in part for the sake of economy. The parties agree to revisit this issue at a
20 later date, but prior to the discovery deadline.

21 **10. Suggestions for Simplifying the Case**

22 The parties have no other suggestion for shortening or simplifying the case.
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1 **11. Trial Date**

2 Plaintiffs believe the case will be ready for trial in nine months. Defendants believe
3 the case will not be ready for trial until March 2006 at the earliest. Counsel for both plaintiffs
4 and defendants are currently scheduled to be in a two- to three-week trial beginning
5 October 24, 2005. Several motions are pending and discovery is not yet complete in that case
6 due to a temporary stay in the proceedings therein.

7 **12. Jury Trial**

8 Plaintiffs have requested a jury trial.

9 **13. Trial Days**

10 The parties believe the case will take four to five weeks to try.

11 **14. Trial Counsel**

12 The following are the names addresses and telephone numbers of all trial counsel.

13
14 Michael T. Pfau
15 Timothy D. Kosnoff
16 Gordon, Thomas, Honeywell,
17 Malanca, Peterson & Daheim LLP
18 600 University Street, #2100
19 Seattle, WA 98101
20 (206) 676-7528

21 Thomas D. Frey
22 Marcus Nash
23 Stafford Frey Cooper
24 3100 Two Union Square
25 601 Union Street
26 Seattle, WA 98101-1374
 (206) 623-9900

15. Service

 All defendants or respondents have been served as of the date of the filing of this
report.

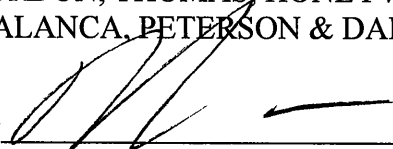
1 **16. Scheduling Conference**

2 The parties do not wish a scheduling conference prior to the scheduling order being
3 entered in this case, unless trial of this matter is set prior to March 2006, in which case
4 defendants request a scheduling conference for purposes of discussing the trial date.
5

6 Dated this 28 day of January, 2005.
7

8 GORDON, THOMAS, HONEYWELL,
9 MALANCA, PETERSON & DAHEIM LLP

STAFFORD FREY COOPER

10 By 
11 Michael T. Pfau, WSBA No. 24649
12 mpfau@gth-law.com
Attorneys for Plaintiffs

By: VIA ECF
Thomas D. Frey, WSBA #1908
E-mail: tfrey@staffordfrey.com

Marcus B. Nash, WSBA #14471
Email: mnash@staffordfrey.com

13
14
15 LAW OFFICE OF TIMOTHY D. KOSNOFF
16 Attorneys for Plaintiffs

ATTORNEYS FOR DEFENDANTS

17 By Via telephonic approval
18 Timothy D. Kosnoff, WSBA No. 16586
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CERTIFICATE OF SERVICE

I certify under penalty of perjury of the laws of the State of Washington that I am employed by Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim and on this date I electronically filed the within Joint Status Report using the CM/ECF system which will send notification of such filing to the persons listed below. The persons listed below will also be delivered via legal messengers the document to which this Certificate of Service is attached to the attorneys of record as follows:

Thomas D. Frey
Marcus Nash
Stafford Frey Cooper
Attorneys
3100 Two Union Square
601 Union
Seattle, WA 98101-1374

Thomas D. Frey: tfrey@staffordfrey.com , mjarrett@staffordfrey.com
Marcus B. Nash: mnash@staffordfrey.com, astone@staffordfrey.com

Dated and signed this 28 day January 2005
in Seattle, Washington.

Jack D. Burrows,
_____, for Gordon, Thomas,
Honeywell, Malanca, Peterson & Daheim