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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL BELL,

Plaintiff,

v.

FISHING COMPANY OF ALASKA, et al.,

Defendants.

CASE NO. C06-195RSM

ORDER ON MOTION FOR A JURY  
TRIAL

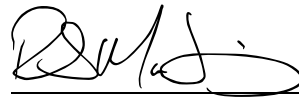
This matter is before the court for consideration of plaintiff’s motion for a jury trial, Dkt. # 49. Plaintiff Michael Bell filed this complaint pursuant to the Jones Act, 46 U.S.C. § 688, seeking damages for injuries he received while working in defendant’s employ. This Court’s earlier ruling granting partial summary judgment to defendant was reversed by the Ninth Circuit Court of Appeals, and the case was remanded for trial. Plaintiff now requests that the matter be tried to a jury, asserting that he should not be bound by former counsel’s choice of a bench trial. Plaintiff also suggests that “having granted summary judgment on the facts as a matter of law, even if reversed, the likelihood would be that the court would find the same as a matter of fact.” Plaintiff’s Motion, Dkt. # 49, ¶ 2. Defendant has opposed the motion.

The Court finds no basis in plaintiff’s motion to excuse the requirement that a jury demand be

1 filed "no later than 10 days after the last pleading directed to the issue is served." F.R.Civ. Proc.  
2 38(b)(1). Nor is there any basis for plaintiff's fear that the Court cannot give proper weight and  
3 consideration to the evidence as it shall be presented at trial.

4 Plaintiff's untimely motion for a jury trial is accordingly DENIED.

5 DATED this 4<sup>th</sup> day of March 2009.

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8 RICARDO S. MARTINEZ  
9 UNITED STATES DISTRICT JUDGE  
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