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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN HOWES, *et al.*, Plaintiffs, v. CITY OF SEATTLE, *et al.*, Defendants.	No. C07-1391RSL ORDER GRANTING IN PART MOTION TO EXTEND DISPOSITIVE MOTION DEADLINE

This matter comes before the Court on "Defendants' Motion to Extend Dispositive Motion Deadline." Dkt. # 61.[1] Defendants claim that scheduling conflicts have delayed the depositions of Ashley, John, and Mary Howes until the last week of January and first week of February, making it virtually impossible to file summary judgment motions by the Court-ordered deadline of February 3, 2009. They therefore seek a thirty-day extension of time in which to file dispositive motions.

Plaintiffs do not contest defendants' assertion that they first attempted to schedule plaintiffs' depositions in mid-November. Plaintiffs acknowledge that some of the scheduling difficulties were caused by plaintiffs' unavailability, the need to associate new counsel, and the need to appoint a guardian *ad litem* for Ashley. They assert, however, that efforts to schedule

[1] Plaintiffs' "Cross-Motion to Strike Late Expert Disclosure" (Dkt. # 64) is completely unrelated to the underlying motion and will be considered after it is fully briefed on or about February 20, 2009. Defendants' request to strike the "cross-motion" is DENIED.

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these depositions should have begun earlier and that defendants should file their dispositive motions without the benefit of Ashley's deposition. Plaintiffs also take issue with the length of the requested extension.

Having reviewed the memoranda, declarations, and exhibits submitted by the parties and having conferred with counsel via teleconference on February 3, 2009, the Court finds that a brief extension of time in which to file dispositive motions is appropriate. The recent appointment of a guardian *ad litem* for Ashley Howes necessitated a further delay in her deposition. Because defendants have every right to depose Ashley before determining whether and on what grounds to file dispositive motions, the deadline for filing such motions will be extended for two weeks following completion of the deposition, which the Court hopes will occur before the end of the week.

For all of the foregoing reasons, defendants' motion for an extension of time is GRANTED in part. The deadline for filing dispositive motions in the above-captioned matter is hereby continued to fourteen days after the deposition of Ashley Howes.

Dated this 4th day of February, 2009.

Robert S. Lasnik
United States District Judge