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UNITED STATES DISTRICT COURT  
for the WESTERN DISTRICT OF WASHINGTON

LIAOSHENG ZHANG,  
Plaintiff(s),  
vs.  
BOEING COMPANY, et al.,  
Defendant(s).

Case No. 2:07-cv-01794-RAJ  
MINUTE ORDER REGARDING  
INITIAL DISCLOSURE,  
JOINT STATUS REPORT, and  
EARLY SETTLEMENT

**I. Initial Scheduling Dates**

Pursuant to the December 1, 2000 revisions to the Federal Rules of Civil Procedure, the Court sets the following dates for initial disclosure and submission of the Joint Status Report and Discovery Plan:

- Deadline for FRCP 26(f) conference..... 02/14/2008
- Initial Disclosure Pursuant to FRCP 26(a)(1)..... 02/21/2008
- Combined Joint Status Report and Discovery Plan as  
Required by FRCP 26(f), and Local Rule CR 16..... 02/28/2008

If this case involves claims that are exempt from the requirements of FRCP 26(a) and (f), please notify Victoria Ericksen by telephone at (206) 370-8517.

## II. Joint Status Report and Discovery Plan

1 All counsel and any pro se parties are directed to confer and provide the  
2 Court with a combined Joint Status Report and Discovery Plan (the "Report") by  
3 **02/28/2008**. This conference shall be done by direct and personal communication,  
4 whether that be a face-to-face meeting or a telephonic conference. The Report  
5 will be used in setting a schedule for the prompt completion of the case. It must  
6 contain the following information by corresponding paragraph numbers:

- 7 1. A statement of the nature and complexity of the case.
- 8 2. A statement of which ADR method (mediation, arbitration, or other)  
9 should be used. The alternatives are described in Local Rule CR 39.1 and in the  
10 ADR Reference Guide, which is available from the Clerk's Office. If the parties  
11 believe there should be no ADR, the reasons for that belief should be stated.
- 12 3. Unless all parties agree that there should be no ADR, a statement of  
13 when mediation of another ADR proceeding under Local Rule CR 39.1 should  
14 take place. In most cases, the ADR proceeding should be held within four months  
15 after the Report is filed. It may be resumed, if necessary, after the first session.
- 16 4. A proposed deadline for joining additional parties.
- 17 5. A proposed discovery plan that indicates:
  - 18 A. The date on which the FRCP 26(f) conference and  
19 FRCP 26(a) initial disclosures took place;
  - 20 B. The subjects on which discovery may be needed and whether  
21 discovery should be conducted in phases or be limited to or  
22 focused upon particular issues;
  - 23 C. What changes should be made in the limitations on discovery  
24 imposed under the Federal and Local Civil Rules, and what  
25 other limitations should be imposed;
  - 26 D. A statement of how discovery will be managed so as to  
minimize expense (e.g., by foregoing or limiting depositions,  
exchanging documents informally, etc.); and
  - E. Any other orders that should be entered by the Court  
under FRCP 26(c) or under Local Rule CR 16(b) and (c).

1 6. The date by which the remainder of discovery can be completed.

2 7. Whether the parties agree that a full-time Magistrate Judge may  
3 conduct all proceedings, including trial and the entry of judgment, under 28 U.S.C.  
4 § 636(c) and Local Rule MJR 13. The magistrate Judge who would be assigned  
5 to this case is Judge Mary Alice Theiler. Agreement in the Report will constitute  
6 the parties' consent to referral of the case to the assigned Magistrate Judge.

7 8. Whether the case should be bifurcated by trying the liability issues  
8 before the damages issues, or bifurcated in any other way.

9 9. Whether the pretrial statements and pretrial order called for by  
10 Local Rules CR 16 (e), (h), (i), and (1), and 16.1 should be dispensed of in whole  
11 or in part for the sake of economy.

12 10. Any other suggestions for shortening or simplifying the case.

13 11. The date the case will be ready for trial.

14 12. Whether the trial will be jury or non-jury.

15 13. The total number of trial days required.

16 14. The names, addresses, telephone numbers, and email addresses of all  
17 trial counsel.

18 15. If, on the due date of the Report, all defendant(s) or respondent(s)  
19 have not been served, counsel for plaintiff shall advise the Court when service  
20 will be effectuated, the reason why it was not made earlier, and shall provide a  
21 proposed schedule for the required FRCP 26(f) conference and FRCP 26(a) initial  
22 disclosures.

23 16. Whether any party wishes a scheduling conference prior to a  
24 scheduling order being entered in the case.

25 If the parties are unable to agree on any part of the Report, they may answer  
26 in separate paragraphs. No separate reports are to be filed.

The time for filing the Report may be extended only by court order. Any  
request for an extension should be made by telephone to Victoria Ericksen at  
(206) 370-8517.

If the parties wish to have a status conference with the Court at any time  
during the pendency of this action, such request should be directed to Victoria  
Ericksen at (206) 370-8517.

### III. PLAINTIFF'S RESPONSIBILITY

1 This Order is issued at the outset of the case, and a copy delivered by the  
2 clerk to counsel for plaintiff (or plaintiff, if pro se) and any defendants who  
3 have appeared. Plaintiff's counsel (or the plaintiff, if pro se) is directed to serve  
4 copies of this Order on all parties who appear after this Order is filed within  
5 ten (10) days of receipt of service of each appearance. Plaintiff's counsel  
6 (or plaintiff, if pro se) will be responsible for starting the communications needed  
7 to comply with this Order

### IV. ALTERATIONS TO ELECTRONIC FILING PROCEDURES

8 As of June 1, 2004, counsel shall be required to electronically file all  
9 documents with the Court. Pro se litigants may file either electronically or in  
10 paper form. Information and procedures for electronic filing can be found on  
11 the Western District of Washington's website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

12 The following alterations to the Electronic Filing Procedures apply in all  
13 cases pending before Judge Jones:

- 14 • Section III, Paragraph F: When the aggregate submittal to the  
15 Court (i.e., the motion, any declarations and exhibits, the proposed order, and the  
16 certificate of service) exceeds **50 pages** in length, a paper copy of the document  
17 (with tabs or other organizing aids as necessary) shall be delivered to the Clerk's  
18 Office by 10:30 a.m. the morning after filing. The chambers copy must be clearly  
19 marked with the words "Courtesy Copy of Electronic Filing for Chambers."

- 20 • Section III, Paragraph L: Unless the proposed order is stipulated, agreed,  
21 or otherwise uncontested, the parties need not email a copy of the order to the  
22 judge's email address.

### V. Early Settlement Consideration

23 When civil cases are settled early – before becoming costly and time  
24 consuming – all parties and the Court benefit. The Federal Bar Association  
25 Alternative Dispute Resolution Task Force Report for this district stated:

26 [T]he major ADR-related problem is not the percentage of civil cases  
that ultimately settle, since statistics demonstrate that approximately 95%  
of all cases are resolved without trial. However, the timing of settlement  
is a major concern. Frequently, under our existing ADR system, case  
resolution occurs far too late, after the parties have completed discovery  
and incurred substantial expenditure of fees and costs.

1 The judges of this district have adopted a resolution "approving the Task  
2 Force's recommendation that court-connected ADR services be provided as  
3 early, effectively, and economically as possible in every suitable case." The steps  
4 required by this Order are meant to help achieve that goal while preserving the  
right of all parties.

5 If settlement is achieved, counsel shall notify Victoria Ericksen at  
6 (206) 370-8517.

7 **VI. Sanctions**

8 A failure by any party to comply fully with this Order may result in the  
9 imposition of sanctions.

10 DATED January 15, 2008

11  
12 s/ Richard A. Jones  
13 United States District Judge  
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