

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

ANTHONY FREY, a Washington resident, on  
behalf of himself and all others similarly  
situated,

Plaintiff and Counter-  
Defendant,

v.

3PD, INC., a Georgia corporation,

Defendant and Counter-  
Plaintiff.

3PD, INC., a Georgia corporation,

Third-Party Plaintiff,

v.

OUTBACK DELIVERY, LLC, a Washington  
limited liability company,

Third-Party Defendant.

CASE NO. C08-0630-JCC

STIPULATION AND ORDER  
AMENDNG CASE SCHEDULE

WHEREAS this Court previously set the trial date for this matter for June 21, 2010;

WHEREAS the current deadline for Plaintiffs to file their motion for class certification  
is April 30, 2009;

1 WHEREAS the parties agree that the deadlines proposed in this case are reasonable in  
2 light of the recently revised schedule in *Phelps et. al v. 3PD, Inc.*, Case No. 3:08-CV-0387-HU,  
3 the Oregon case prosecuted and defended by many of the same counsel herein;

4 WHEREAS the parties have been working cooperatively and diligently regarding  
5 discovery issues and do not anticipate any further delays; and

6 WHEREAS the trial date has not been previously changed.

7 Therefore the parties agree and stipulate as follows:

8 **I. STIPULATION**

9 The parties agree that good cause exists to amend the case management schedule as  
10 follows:

Event	Deadline
Deadline for completing class certification discovery	6/01/09
Plaintiffs file motion for class certification	6/15/09
Defendants file opposition to motion for class certification	7/22/09
Plaintiffs file reply in support of motion for class certification	8/21/09
Hearing on motion for class certification	The week of 9/21/09 or whatever is convenient for the Court
Disclosure of expert witnesses and their reports	5/3/10
Disclosure of rebuttal expert witnesses and their reports	6/1/10
Pleading amendment deadline	6/1/10
Merits discovery deadline	6/29/10
Dispositive motion deadline	7/15/10
Plaintiffs file pretrial statement	8/16/10
Defendants file pretrial statement	8/30/10

1	Conference to prepare pretrial order	9/14/10
2	Mediation to be completed	11/01/10
3	Pretrial Order due	2/18/11
4	Trial briefs, jury instructions and voir dire due	2/22/11
5	Trial date	2/28/11

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9 *Counsel for Defendant, Counter-Plaintiff and*  
10 *Third-Party Plaintiff*

## 11 II. ORDER

12 Based on the stipulation of the parties and for good cause shown, the Court Orders that  
13 the following schedule govern this case:

14 Event	15 Deadline
16 Deadline for completing class certification discovery	6/01/09
17 Plaintiffs file motion for class certification	6/15/09
18 Defendants file opposition to motion for class certification	7/22/09
19 Plaintiffs file reply in support of motion for class certification	8/21/09
20 Hearing on motion for class certification	<b>10/8/09 at 9:00 a.m.</b>
21 Disclosure of expert witnesses and their reports	5/3/10
22 Disclosure of rebuttal expert witnesses and their reports	6/1/10
23 Pleading amendment deadline	6/1/10
24 Merits discovery deadline	6/29/10
25 Dispositive motion deadline	7/15/10
26 Plaintiffs file pretrial statement	8/16/10

1	Defendants file pretrial statement	8/30/10
2	Conference to prepare pretrial order	9/14/10 ( <b>This conference is between the parties and does not involve a court hearing.</b> )
3		
4	Mediation to be completed	11/01/10
5	Pretrial Order due	<b>2/17/11</b>
6	Trial briefs, jury instructions and voir dire due	2/22/11
7	Trial date	2/28/11

8 The deadlines and hearing date previously set by the Court in the Order at Docket No.  
9 45 are hereby vacated.

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11 DATED this 23rd day of March, 2009.

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15 John C. Coughenour  
16 UNITED STATES DISTRICT JUDGE

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2 CERTIFICATE OF SERVICE

3 I, Beth Terrell, hereby certify that on March 23, 2009, I electronically filed the  
4 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of  
5 such filing to the following:

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24 *Counsel for Defendant, Counter-Plaintiff and Third-Party Plaintiff*

25 DATED this 19<sup>th</sup> day of March, 2009.

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