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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRAD N. MANSKER,

Plaintiff,

v.

FARMERS INSURANCE
COMPANY OF WASHINGTON, et
al.,

Defendants.

CASE NO. C10-0511JLR

PRELIMINARY
SCHEDULING ORDER

PRELIMINARY SCHEDULING ORDER

Having reviewed the joint status report filed by the parties, the court has determined that bifurcation of class discovery and merits discovery is appropriate in this action and hereby sets forth deadlines to govern the initial proceedings in this action.

1 (1) Motion for Class Certification: Plaintiff's motion for class certification shall be
2 filed in accordance with the following dates and briefing schedule:

3 **Plaintiff's Motion for Class** February 18, 2011
4 **Certification Due:** (To be noted for consideration
5 on April 15, 2011.)

6 **Defendant's Response Due:** March 18, 2011

7 **Plaintiff's Reply Due:** April 15, 2011

8 (2) Discovery: The court orders that discovery be conducted in phases so as to
9 secure a just, speedy, and inexpensive determination of this action. The first phase of
10 discovery, to begin immediately, shall be limited to the production of evidence relating to
11 class certification requirements. This shall include expert discovery so long as the
12 discovery relates to class certification issues. The following deadlines shall apply to the
13 first phase of discovery:

14 **Discovery completed by:** February 4, 2011

15 **Expert disclosure:** November 19, 2010

16 **Rebuttal expert disclosure:** December 10, 2010

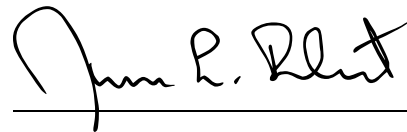
17 As required by Local Rules W.D. Wash. CR 37, all discovery matters are to be
18 resolved by agreement if possible. However, if a discovery dispute arises and the parties
19 are unable to resolve it without court intervention, the parties are directed to use the
20 expedited procedures for compelling discovery set forth in Local Rules W.D. Wash. CR
21 37(a)(2)(B). If the parties are unable to cooperate sufficiently to use the expedited
22 procedures of CR 37, the moving party may file a motion to compel but must set forth a

1 good faith basis for the motion and an explanation of why the parties were unable to
2 agree on using the expedited procedures.

3 The second phase of discovery, if necessary, will commence 20 days after the
4 court's ruling on class certification. To facilitate the merits discovery phase, the parties
5 are directed to file an amended joint status report and discovery plan within 20 days after
6 the court's ruling on class certification.

7 The court will alter the dates in this order only upon a showing of good cause.

8 Dated this 13th day of September, 2010.

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15 JAMES L. ROBART
16 United States District Judge
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