

THE HONORABLE MARSHA J. PECHMAN

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, LLC,

Plaintiff,

v.

DAVID W. HOYLE,

Defendant.

No. 10-cv-00664-MJP

STIPULATION AND PROPOSED
ORDER EXTENDING TIME FOR
RULE 26(f) CONFERENCE,
INITIAL DISCLOSURES AND
JOINT STATUS REPORT

JANE DOE 1, JANE DOE 2,
JANE DOE 3, JANE DOE 4,
JANE DOE 5, JANE DOE 6, AND
CECIL BOTHWELL,

Plaintiffs-Intervenors

NOTE ON MOTION CALENDAR:
NOVEMBER 19, 2010

v.

DAVID W. HOYLE, and
AMAZON.COM, LLC,

Defendants in Intervention.

STIPULATION

The parties stipulate and agree as follows:

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1 1. On October 25, 2010 the Court entered an Order [Dkt. No. 69] granting summary
2 judgment to Plaintiff Amazon.com (“Amazon”) and denying Defendant Hoyle’s¹ motion to
3 dismiss the Complaint of Amazon [Dkt. No. 1] and the Complaint in Intervention of Plaintiffs-
4 Intervenors Jane Does 1-6 and Cecil Bothwell (“Plaintiffs-Intervenors”) [Dkt. No. 61]. As a
5 result of this Order, counsel for Plaintiffs-Intervenors and Defendant Hoyle have been conferring
6 to determine whether any remaining issues raised in the Complaint in Intervention not
7 determined by the Court’s Order on Amazon’s motion for summary judgment and Defendant’s
8 motions to dismiss can be resolved by agreement.

9 2. The Court previously entered an Order on July 9, 2010 [Dkt. No. 40], continuing
10 the Rule 26(f) dates until 30 days after entry of an order by the Court on dispositive motions that
11 were set to be filed, so that the Rule 26(f) conference is presently set to be held by November 24,
12 2010, the initial disclosures are due on December 1, 2010, and the joint status report is due on
13 December 1, 2010.

14 3. Given the ongoing settlement discussions, Plaintiffs-Intervenors and Defendant
15 Hoyle believe that it is in the best interests of judicial economy and the parties if settlement
16 discussions continue and the deadlines for the Rule 26(f) conference, initial disclosures and filing
17 of the joint status report are extended.

18 4. The parties respectfully ask the Court to allow the parties an additional 30 days,
19 or until December 24, 2010, to enable the parties to attempt to resolve the Complaint in
20 Intervention. If an agreement is not reached by that date, Plaintiffs-Intervenors anticipate
21 promptly filing for summary judgment.

22 5. In the event the Complaint in Intervention is not resolved or summary judgment is
23 not sought, the parties ask the Court to order that the Rule 26(f) conference be held by January
24 14, 2011, with initial disclosures due on January 21, 2011, and the joint status report due on
25 January 28, 2011.

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¹ Mr. Hoyle has been substituted in as the defendant for Mr. Lay [Dkt. No. 71].

1 6. If summary judgment is sought, the parties agree that Rule 26(f) proceedings
2 should not take place until a ruling is reached on such motion or cross-motion. The parties
3 respectfully request that the Rule 26(f) proceedings be continued until 30 days after the Court
4 enters an order on such dispositive motion(s).

5 7. Amazon has been consulted and does not object to extending the Rule 26(f)
6 deadlines.

7 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court's
8 approval, that:

9 1. The existing deadlines for the Rule 26(f) conference, initial disclosures, and joint
10 status report are vacated;

11 2. In the event settlement is not reached and a summary judgment motion is not
12 filed:

13 (a) the deadline for the Rule 26(f) conference will be January 14, 2011;

14 (b) initial disclosures will be due on January 21, 2011; and

15 (c) the joint status report will be due on January 28, 2011.

16 3. In the event settlement is not reached and a motion for summary judgment is
17 filed:

18 (a) the deadline for the Rule 26(f) conference will be 30 days after the Court
19 enters an order on the summary judgment motion(s);

20 (b) initial disclosures will be due 7 days after the Rule 26(f) conference; and

21 (c) the joint status report shall be submitted within 7 days after the initial
22 disclosures are due.

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DATED this the 19th day of November, 2010.

Pro Hac Vice:

**NORTH CAROLINA
ATTORNEY GENERAL ROY COOPER**

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Attorneys for Plaintiffs-Intervenors

1
2 **ORDER**

3 Based on the foregoing stipulation of the parties and good cause appearing, it is so
4 ordered that:

5 1. The existing deadlines for the Rule 26(f) conference, initial disclosures, and joint
6 status report are vacated;

7 2. In the event settlement is not reached and a summary judgment motion is not
8 filed:

9 (a) the deadline for the Rule 26(f) conference will be January 14, 2011;

10 (b) initial disclosures will be due on January 21, 2011; and

11 (c) the joint status report will be due on January 28, 2011.

12 3. In the event settlement is not reached and a motion for summary judgment is
13 filed:

14 (a) the deadline for the Rule 26(f) conference will be 30 days after the Court
15 enters an order on the summary judgment motion(s);

16 (b) initial disclosures will be due 7 days after the Rule 26(f) conference; and

17 (c) the joint status report shall be submitted within 7 days after the initial
18 disclosures are due.

19
20 This ____ day of November, 2010.

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22 _____
23 MARSHA J. PECHMAN
24 United States District Court Judge

1 Presented by:

2 *Pro Hac Vice:*

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