

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ISABELLE BICHINDARITZ,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant.

Case No. C10-1371RSL

ORDER GRANTING MOTION FOR
NEW TRIAL DATE AND
DENYING MOTION TO AMEND

This matter comes before the Court on Defendant’s “Motion For New Trial Date” (Dkt. # 112) and “Plaintiff’s Motion to Amend the Complaint and for a Protective Order” (Dkt. # 114). Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

Defendant’s motion for a new trial date is GRANTED. The Clerk of Court is directed to issue a case management schedule consistent with a trial date of April 9, 2012. The parties shall meet and confer in an attempt to reach agreement regarding the scheduling of Dr. Wise’s testimony or alternative means through which her testimony can be presented at trial.¹

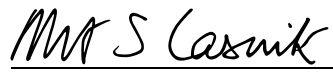
¹ Footnote 1 of defendant’s motion notwithstanding, the Court expects the parties to engage in substantive discussions regarding scheduling issues and discovery matters before they

ORDER GRANTING MOTION FOR
NEW TRIAL DATE AND DENYING
MOTION TO AMEND

1 Plaintiff's motion to amend is DENIED. This matter was on the verge of
2 trial when plaintiff's counsel was permitted to withdraw. The association of new
3 counsel is not an excuse to add additional causes of action or rethink plaintiff's litigation
4 strategy, especially where the withdrawal was necessitated by plaintiff's own conduct.
5 Considerations regarding undue delay and prejudice show that amendment is not
6 appropriate. The deadline for amending the complaint has long since passed. In order to
7 gain certain litigation benefits, plaintiff expressly stated that she would not seek
8 emotional distress damages and would agree to a bench trial. Dr. Baiocchi, while aware
9 of this litigation and the need to be available as a witness, has not had an opportunity to
10 prepare an individual defense to the existing federal claims, much less a new state law
11 claim.

12
13 For all of the foregoing reasons, defendant's motion for a new trial date
14 (Dkt. # 112) is GRANTED and plaintiff's motion to amend (Dkt. # 114) is DENIED.

15
16 Dated this 8th day of February, 2012.

17 
18 Robert S. Lasnik
19 United States District Judge

20
21
22
23 _____
24 are brought to the Court for resolution. With regards to Dr. Wise's testimony, the Court is
25 amenable to creative solutions for obtaining her testimony at trial, including audio and/or visual
26 links, perpetuation depositions, or agreed scheduling arrangements. The parties shall discuss the
available options prior to the pretrial conference scheduled for February 22, 2012.

ORDER GRANTING MOTION FOR
NEW TRIAL DATE AND DENYING
MOTION TO AMEND