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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE FEDERAL DEPOSIT INSURANCE  
CORPORATION, as RECEIVER of  
WASHINGTON MUTUAL BANK.,

Plaintiff,

v.

KERRY K. KILLINGER, STEPHEN J.  
ROTELLA, DAVID C. SCHNEIDER, LINDA  
C. KILLINGER, and ESTHER T. ROTELLA,

Defendants.

Case No. C11-459MJP

SCHEDULING ORDER SETTING  
TRIAL DATE & RELATED DATES

<b>JURY TRIAL DATE</b>	9/16/2013 at 9:00 AM
Defendants' Answers or other responsive pleadings due	7/1/2011
Plaintiff's Oppositions to Motions to Dismiss	8/22/2011
Defendants' Replies in support of Motions(s) to Dismiss	9/15/2011
Document production to be substantially completed	12/1/2011
Fact witness depositions begin (other than document custodian depositions, which may be done earlier)	1/9/2012
Last day to join additional parties/amend pleadings	6/1/2012
Close of fact discovery	8/31/2012
Exchange of initial expert reports	11/1/2012
Exchange of rebuttal expert reports	1/15/2013

SCHEDULING ORDER SETTING  
TRIAL AND RELATED DATES - 1

1	Close of expert discovery	2/15/2013
2	Last day to file dispositive motions	3/15/2013
3	<b>Counsel are reminded of the requirement to provide courtesy copies of</b>	
4	<b>any motions with exhibits or other attachments exceeding 50 pages.</b>	
5	<b>Compliance with this requirement will facilitate timely consideration of</b>	
6	<b>your motion.</b>	
7	Oppositions to dispositive motions due	4/26/2013
8	Replies in support of dispositive motions due	5/17/2013
9	Settlement conference per CR 39.1(c)(2) held no later than	7/1/2013
10	Mediation per CR 39.1(c)(3) held no later than	8/1/2013
11	All motions <i>in limine</i> must be filed by	8/1/2013
12	and noted on the motion calendar no earlier than the third Friday	
13	thereafter and no later than the Friday before the pretrial conference	
14	Agreed pretrial order due	8/1/2013
15	Oppositions to motions in limine due	8/22/2013
16	Pretrial conference	8/30/2013 at 1:30 PM
17	Trial briefs, proposed voir dire questions, proposed	9/4/2013
18	jury instructions, and trial exhibits due	
19	Length of Trial:	8 week

20           These dates are set at the direction of the Court after reviewing the joint status report and  
21 discovery plan submitted by the parties. The parties should note that the Court has shortened the  
22 times requested for briefing on dispositive motions. This is necessary to permit the Court  
23 adequate time prior to trial to decide any such dispositive motions. All other dates are specified  
24 in the Local Civil Rules. If any of the dates identified in this Order or the Local Civil Rules fall  
25 on a weekend or federal holiday, the act or event shall be performed on the next business day.  
26 These are firm dates that can be changed only by order of the Court, not by agreement of counsel  
or the parties. The Court will alter these dates only upon good cause shown: failure to complete  
discovery within the time allowed is not recognized as good cause.

          If the trial date assigned to this matter creates an irreconcilable conflict, counsel must

1 notify the Deputy Clerk, Rhonda Miller, in writing within 10 days of the date of this Order and  
2 must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver.  
3 Counsel must be prepared to begin trial on the date scheduled, but it should be understood that  
4 the trial may have to await the completion of other cases.

5 **COOPERATION:**

6 As required by CR 37(a), all discovery matters are to be resolved by agreement if  
7 possible. Counsel are further directed to cooperate in preparing the final pretrial order in the  
8 format required by CR 16.1, except as ordered below.


9 **EXHIBITS:**

10 The original and one copy of the trial exhibits are to be delivered to chambers five days  
11 before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the  
12 Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits:  
13 plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall  
14 be numbered consecutively beginning with the next number series not used by plaintiff.  
15 Duplicate documents shall not be listed twice: once a party has identified an exhibit in the  
16 pretrial order, any party may use it. Each set of exhibits shall be submitted in individual file  
17 folders with appropriately numbered tabs.

18 **SETTLEMENT:**

19 Should this case settle, counsel shall notify Rhonda Miller as soon as possible at 206-  
20 370-8518. Pursuant to GR 3(b), an attorney who fails to give the Deputy Clerk prompt notice of  
21 settlement may be subject to such discipline as the Court deems appropriate.

22 DATED this 26<sup>th</sup> day of July, 2011.

23   
24 Marsha J. Pechman  
25 United States District Judge  
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