

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CASEY TAYLOR, et al.,

11 Plaintiff,

12 v.

13 BURLINGTON NORTHERN  
14 RAILROAD HOLDINGS, INC., et  
al.,

15 Defendants.

CASE NO. C11-1289JLR

ORDER ON REMAND  
FOLLOWING APPEAL

16 Before the court is the opinion and mandate of the Ninth Circuit Court of Appeals  
17 (1) affirming in part and vacating in part the court's orders granting Defendant BNSF  
18 Railway Company's ("BNSF")<sup>1</sup> motion for summary judgment; and (2) remanding to  
19

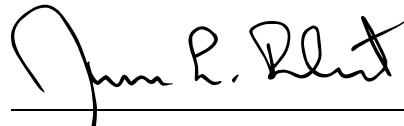
20 <sup>1</sup> Plaintiffs originally named both BNSF Railway Company and Burlington Northern  
21 Railroad Holdings, Inc., as defendants in this matter; however, in their agreed pretrial order the  
22 parties informed the court that "the caption of this case should be amended to reflect that the  
plaintiffs' claims are against defendant BNSF Railway Company only." (Prop. PTO (Dkt. # 59)  
at 2.) Accordingly, the court dismissed all claims against Burlington Northern Railroad  
Holdings, Inc., with prejudice. (See MSJ Order at 1 n.1.)

1 this court for further proceedings. (9th Cir. Mem. Op. (Dkt. # 84); 9th Cir. Mandate  
2 (Dkt. # 88); *see also* 2/17/16 Order (Dkt. # 53); 3/7/16 Order (Dkt. # 64).)

3 The Ninth Circuit affirmed the court's grant of summary judgment on Plaintiffs  
4 Casey Taylor and Angelina Taylor's (collectively "Plaintiffs" or "the Taylors") back and  
5 knees claim under the Washington Law Against Discrimination ("WLAD") and vacated  
6 the court's grant of summary judgment on the Taylors' obesity claim under WLAD.<sup>2</sup>  
7 (*See* 9th Cir. Mem. Op. at 6.) The court therefore VACATES the judgment in this case.  
8 (*See* Judgment (Dkt. # 65).)

9 The court further ORDERS the parties to file, within 14 days of the filing date of  
10 this order, a joint status report proposing how the court should proceed on remand. The  
11 parties should attempt to agree in good faith on a unified approach. If they cannot so  
12 agree, they may outline their disparate suggestions in the joint status report.

13 Dated this 28th day of May, 2020.

14  
15 

16 JAMES L. ROBART  
17 United States District Judge

18  
19  
20  
21 \_\_\_\_\_  
22 <sup>2</sup> The court granted BNSF's motion for summary judgment in part and reserved ruling in  
part on February 17, 2016. (*See* 2/17/16 Order at 53.) The court granted the remainder of  
BNSF's motion for summary judgment on March 7, 2016. (*See* 3/7/16 Order at 4.)