

THE HONORABLE JOHN C. COUGHENOUR

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7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 RACHEL A. PRICE, an individual; and  
10 TESSA V. GEHARDT, an individual,

11 Plaintiffs,

12 v.

13 EQUILON ENTERPRISES LLC, d/b/a  
14 SHELL OIL PRODUCTS US, a  
Delaware Limited Liability Company,

15 Defendant.

CASE NO. C11-1553-JCC

ORDER

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17 This matter comes before the Court on Plaintiffs' motion for leave to file motions to  
18 amend their complaint and take discovery (Dkt. No. 224). This case was remanded from the  
19 Ninth Circuit Court of Appeals, which found that a jury instruction given at trial incorrectly  
20 stated the law. (Dkt. No. 220 at 3.) On remand, the Court set a new trial date of January 29, 2018  
21 and stated: "No further discovery or motions practice shall be permitted." (Dkt. No. 223 at 1.)

22 Plaintiffs have continued to work for Defendant since the trial, and they allege that they  
23 have continued to experience discrimination. (Dkt. No. 224 at 2.) They wish to introduce  
24 evidence of this new discrimination at the retrial. (*Id.*) Accordingly, they ask the Court for an  
25 order granting them leave to file (1) a motion for leave to file an amended complaint, and (2) a  
26 motion for leave to take additional discovery, limited to facts and events that occurred after the

1 first trial. (*Id.* at 1.)

2 Defendant opposes the motion. (Dkt. No. 225.) It argues that it would be prejudiced if it  
3 were required to conduct discovery into the new allegations and try this case by January 29, only  
4 seven months away. (*Id.* at 2.) Defendant further asserts the Ninth Circuit's mandate was to retry  
5 the case as it stood in 2014, not to try an entirely new case. (*Id.* at 5.)

6 The Court agrees. This case was remanded on a narrow issue. It is a retrial, not an  
7 opportunity to reopen litigation. Plaintiffs' motion (Dkt. No. 224) is DENIED.

8 DATED this 20th day of June, 2017.

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12 John C. Coughenour  
13 UNITED STATES DISTRICT JUDGE  
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