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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRADER JOE'S COMPANY, a
California Corporation,

Plaintiff,

v.

MICHAEL NORMAN HALLATT, an
individual, d/b/a PIRATE JOE'S a/k/a
TRANSILVANIA TRADING; and
DOES 1-10,

Defendants.

No. 2:13-cv-00768-BJR

**STIPULATION AND ORDER TO
EXTEND NON-
EXPERT DISCOVERY DEADLINE
FOR CERTAIN DEPOSITIONS AND
EXPERT REPORT DEADLINES**

NOTE ON MOTION CALENDAR:
May 5, 2017

This Joint Stipulation to Extend Non-Expert Discovery Deadline for Certain Depositions and Expert Report Deadlines between Plaintiff Trader Joe's Company ("Trader Joe's" or "Plaintiff"), on the one hand, and Defendant Michael Norman Hallatt d/b/a Pirate Joe's a/k/a Transilvania Trading ("Hallatt" or "Defendant"), on the other hand, is made with respect to the following facts and recitals:

WHEREAS, on December 20, 2016, the Court entered a scheduling order (Dkt. No. 58) setting the Close of Non-Expert Discovery for May 17, 2017, the Initial Expert Disclosure & Report Deadline for June 7, 2017, and the Rebuttal Expert Disclosure & Report Deadline for June 28, 2017;

1 WHEREAS, the parties have worked closely to complete the deposition process of
2 noticed party and third-party witnesses within the non-expert discovery period, and have
3 completed depositions of 11 party and non-party witnesses;

4 WHEREAS, due to various scheduling conflicts, the parties have been unable to
5 schedule depositions of five party and non-party witnesses prior to the close of non-expert
6 discovery (May 17, 2017), specifically, the depositions of Defendant Michael Hallatt;
7 Trader Joe's employees Nicole Kendall, Carla Hechler, and Matt Sloan; and third party
8 World Class Distribution, Inc.;

9 WHEREAS, the parties have conferred and agreed to a schedule for completing the
10 above-noted depositions promptly after the close of non-expert discovery and prior to June
11 7, 2017;

12 WHEREAS, to accommodate the schedule for completing the above-noted
13 depositions, the parties have also agreed to extend by two weeks the deadlines for the Initial
14 Expert Disclosure & Report and Rebuttal Expert Disclosure & Report;

15 WHEREAS, the parties' agreements to complete the above-noted depositions after
16 the close of non-expert discovery and prior to June 7, 2017, and to extend the expert
17 disclosure and report deadlines by two weeks will not alter any other dates in the Court's
18 scheduling order;

19 WHEREAS, the parties have also agreed that this Joint Stipulation to Extend Non-
20 Expert Discovery Deadline for Certain Depositions and Expert Report Deadlines, and the
21 parties' agreement thereto, may not be used, cited, or relied upon by either party in support
22 of, or in opposition to, any future motion or at trial, including in any discovery motion,
23 *Daubert* motion, motion *in limine*, motion for injunctive relief, or motion for other relief.

24 WHEREAS, in light of the above, the parties believe that good cause exists for entry
25 of the following stipulation;

26 NOW THEREFORE, by and through the undersigned counsel, the parties stipulate

1 and agree as follows, subject to the Court's approval:

2 1. Good cause appearing, the depositions of the following witnesses may be
3 completed after the May 17, 2017 Close of Non-Expert Discovery and prior to June 7,
4 2017: Defendant Michael Hallatt; Trader Joe's employees Nicole Kendall, Carla Hechler,
5 and Matt Sloan; and third party World Class Distribution, Inc. The May 17, 2017 deadline
6 for Close of Non-Expert Discovery is not extended for any purpose other than for
7 completion of the depositions of the above-noted witnesses.

8 2. The June 7, 2017 Initial Expert Disclosure & Report Deadline is extended by
9 two weeks to June 21, 2017.

10 3. The June 28, 2017 Rebuttal Expert Disclosure & Report Deadline is
11 extended by two weeks to July 12, 2017.

12 4. This Joint Stipulation to Extend Non-Expert Discovery Deadline for Certain
13 Depositions and Expert Report Deadlines, and the parties' agreement thereto, may not be
14 used, cited, or relied upon by either party in support of, or in opposition to, any future
15 motion or at trial, including in any discovery motion, *Daubert* motion, motion *in limine*,
16 motion for injunctive relief, or motion for other relief.

17 Dated: May 5, 2017.

18 **YARMUTH WILSDON PLLC**

19 By /s/ Jeremy E. Roller

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Attorneys for Plaintiff Trader Joe's Company

Dated: May 5, 2017.

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Attorneys for Defendants

ORDER

IT IS SO ORDERED.

Dated: May 9, 2017



Barbara Jacobs Rothstein
U.S. District Court Judge

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system, which will send notification of such filing to the
4 following counsel of record:

5 Nathan T. Alexander (alexander.nathan@dorsey.com)
6 Michael Keyes (keyes.mike@dorsey.com)
7 Andrea Yang (yang.andrea@dorsey.com)
8 DORSEY & WHITNEY LLP

9 *Attorneys for Defendant Michael Norman Hallatt*

10 Dated: May 5, 2017 at Seattle, Washington.

11 *s/Jeremy E. Roller*
12 _____
13 Jeremy E. Roller