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THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT KENNY,

Plaintiff,

v.

PACIFIC INVESTMENT
MANAGEMENT COMPANY LLC, a
Delaware limited liability company;
PIMCO INVESTMENTS LLC,

Defendants.

No. CV 14-1987-RSM

**STIPULATION AND ORDER TO
CONTINUE TRIAL DATE AND
PRETRIAL DEADLINES**

Plaintiff Robert Kenny (“Plaintiff”) and Defendants Pacific Investment Management Company LLC and PIMCO Investments LLC (collectively, “Defendants”), through their undersigned counsel of record, hereby stipulate and agree as follows:

The operative scheduling order sets the date for filing the agreed Pretrial Order as May 18, 2018 and the trial date as June 18, 2018. Stipulation and Order Amending Order Setting Trial Date and Related Dates, ECF No. 124. Under the Local Rules of the Western District of Washington (“LCR”), the deadline for Plaintiff to serve his Pretrial Statement was April 18, 2018, which was 30 days prior to the deadline to file the agreed Pretrial Order. LCR 16(h). The deadline for Defendants to serve their Pretrial Statement was April 27, 2018. LCR 16(i). Plaintiff, through

STIPULATION AND ORDER
(No. CV 14-1987-RSM) – 1

Ropes & Gray LLP
Prudential Tower,
800 Boylston St.
Boston, MA 02199-3600
Phone: 617.951.7000
Fax: 617.951.7050

Perkins Coie LLP
1201 Third Avenue,
Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

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2 inadvertence, did not serve his Pretrial Statement until April 30, 2018, just one business day after
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4 Defendants served their Pretrial Statement and notified Plaintiff of his oversight on April 27th.
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6 Plaintiff provided a Pretrial Statement and Draft Joint Pretrial Order in an attempt to alleviate some
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8 of the prejudice Defendants might claim. Nevertheless, Plaintiff acknowledges that his Pretrial
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10 Statement was inadvertently served twelve days after the deadline.
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14 In light of the prejudice that Defendants would experience in meeting the current pretrial
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16 deadlines due to Plaintiff's delayed service of his Pretrial Statement, the parties agree that (1) there
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18 is good cause to continue the trial date, and corresponding pretrial deadlines, and (2) such a
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20 continuance will remedy the prejudice caused to Defendants by Plaintiff's delayed service of his
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22 Pretrial Statement. Plaintiff agrees that, should the Court determine that the trial date and
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24 corresponding pretrial deadlines should not be continued, Defendants have reserved their right to
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26 seek other remedies or sanctions under Fed. R. Civ. P. 37(c) and LCR 11(c) for plaintiff's failure
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28 to satisfy his pretrial obligations. *See* LCR 16(m)(1).
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32 Based on the foregoing, the parties respectfully request that the trial be continued to a date
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34 at the Court's convenience after July 30, 2018; that the deadline for filing the agreed Pretrial Order
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36 be continued to 30 days before the new trial date; and that all other pretrial deadlines be modified
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38 accordingly.
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2 Dated: this 4th day of May, 2018.
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5 By: s/Michael D. Woerner

6 By: s/Tana Lin

7 By: s/Laura R. Gerber

8 By: s/Ian Mensher

9 Michael D. Woerner, WSBA No. 15452

10 Tana Lin, WSBA No. 35271

11 Laura R. Gerber, WSBA No. 34981

12 Ian Mensher, WSBA #39593

13 **Keller Rohrback L.L.P.**

14 1201 Third Avenue, Suite 3200

15 Seattle, WA 98101

16 Telephone: 206-623-1900

17 Facsimile: 206-623-3384

18 Email: mwoerner@kellerrohrback.com

19 tlin@kellerrohrback.com

20 lgerber@kellerrohrback.com

21 imensher@kellerrohrback.com

22 Michael J. Brickman (*Admitted Pro Hac Vice*)

23 **Richardson, Patrick, Westbrook & Brickman,**
24 **LLC**

25 174 East Bay Street

26 Charleston, SC 29401

27 Telephone: 843-727-6520

28 Facsimile: 843-727-3103

29 Email: mbrickman@rpwb.com

30 Nina Fields Britt (*Admitted Pro Hac Vice*)

31 James C. Bradley (*Admitted Pro Hac Vice*)

32 Matthew A. Nickles (*Admitted Pro Hac Vice*)

33 **Richardson, Patrick, Westbrook & Brickman,**
34 **LLC**

35 1037 Chuck Dawley Boulevard, Bldg. A

36 Mount Pleasant, SC 29465

37 Telephone: 843-727-6500

38 Facsimile: 843-216-6509

39 Email: nfields@rpwb.com

40 jbradley@rpwb.com

41 mnickles@rpwb.com

42 *Attorneys for Plaintiff*
43
44
45
46
47
48
49
50
51

By: s/Ronald L. Berenstein

By: s/Sean C. Knowles

Ronald L. Berenstein, WSBA No. 7573

Sean C. Knowles, WSBA No. 39893

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

Telephone: 206-359-8000

Facsimile: 206-359-9000

Email: rberenstein@perkinscoie.com

sknowles@perkinscoie.com

John D. Donovan (*Admitted Pro Hac Vice*)

Robert A. Skinner (*Admitted Pro Hac Vice*)

Amy D. Roy (*Admitted Pro Hac Vice*)

Ropes & Gray

Prudential Tower

800 Boylston Street

Boston, MA 02199-3600

Telephone: 617-951-7000

Facsimile: 617-951-7050

Email: john.donovan@ropesgray.com

robert.skinner@ropesgray.com

amy.roy@ropesgray.com

John C. Ertman (*Admitted Pro Hac Vice*)

Ropes & Gray

1211 Avenue of the Americas

New York, NY 10036-8704

Telephone: 212-596-9000

Facsimile: 212-596-9090

Email: john.ertman@ropesgray.com

*Attorneys for Defendants Pacific Investment
Management Company LLC and PIMCO
Investments LLC*

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ORDER

Pursuant to stipulation by the parties, and for good cause shown, the trial date and pretrial deadlines in this action are modified as follows:

Event in Order Setting Trial Date and Related Dates	Current Deadline	Revised Deadline
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	05/18/2018	9/11/2018
Agreed pretrial order due	05/18/2018	9/27/2018
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	06/01/2018	10/4/2018
Trial date	06/18/2018	10/9/2018

IT IS SO ORDERED this 7 day of May, 2018.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

By: s/Michael D. Woerner
By: s/Tana Lin
By: s/Laura R. Gerber
By: s/Ian Mensher
Michael D. Woerner, WSBA No. 15452
Tana Lin, WSBA No. 35271
Laura R. Gerber, WSBA No. 34981
Ian Mensher, WSBA #39593
Keller Rohrbach L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Telephone: 206-623-1900
Facsimile: 206-623-3384

By: s/Ronald L. Berenstain
By: s/Sean C. Knowles
Ronald L. Berenstain, WSBA No. 7573
Sean C. Knowles, WSBA No. 39893
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206-359-8000
Facsimile: 206-359-9000
Email: rberenstain@perkinscoie.com
sknowles@perkinscoie.com

1
2 Email: mwoerner@kellerrohrback.com
3 tlin@kellerrohrback.com
4 lgerber@kellerrohrback.com
5 imensher@kellerrohrback.com
6

7 Michael J. Brickman (*Admitted Pro Hac Vice*)
8 **Richardson, Patrick, Westbrook &**
9 **Brickman, LLC**
10 174 East Bay Street
11 Charleston, SC 29401
12 Telephone: 843-727-6520
13 Facsimile: 843-727-3103
14 Email: mbrickman@rpwb.com
15

16 Nina Fields Britt (*Admitted Pro Hac Vice*)
17 James C. Bradley (*Admitted Pro Hac Vice*)
18 Matthew A. Nickles (*Admitted Pro Hac Vice*)
19 **Richardson, Patrick, Westbrook &**
20 **Brickman, LLC**
21 1037 Chuck Dawley Boulevard, Bldg. A
22 Mount Pleasant, SC 29465
23 Telephone: 843-727-6500
24 Facsimile: 843-216-6509
25 Email: nfields@rpwb.com
26 jbradley@rpwb.com
27 mnickles@rpwb.com
28
29

30 *Attorneys for Plaintiff*
31
32
33
34
35
36
37
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41
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43
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45
46
47
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50
51

John D. Donovan (*Admitted Pro Hac Vice*)
Robert A. Skinner (*Admitted Pro Hac Vice*)
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Ropes & Gray
Prudential Tower
800 Boylston Street
Boston, MA 02199-3600
Telephone: 617-951-7000
Facsimile: 617-951-7050
Email: john.donovan@ropesgray.com
robert.skinner@ropesgray.com
amy.roy@ropesgray.com

John C. Ertman (*Admitted Pro Hac Vice*)
Ropes & Gray
1211 Avenue of the Americas
New York, NY 10036-8704
Telephone: 212-596-9000
Facsimile: 212-596-9090
Email: john.ertman@ropesgray.com

*Attorneys for Defendants Pacific Investment
Management Company LLC and PIMCO
Investments LLC*