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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HYDRO-BLOK USA LLC, et al.,

Plaintiffs,

v.

WEDI CORP.,

Defendant,

v.

HYDROBLOK INTERNATIONAL
LTD.,

Counter-defendant.

C15-671 TSZ

MINUTE ORDER

WEDI CORP.,

Plaintiff,

v.

BRIAN WRIGHT, et al.,

Defendants.

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) wedi Corp.'s motion, docket no. 225, to clarify, or for reconsideration of, the Minute Order entered December 6, 2018, docket no. 219, is DENIED.

(a) The Minute Order at issue makes clear that experts "disclosed" in this matter on or before November 13, 2018, will be considered timely disclosed and will be permitted to testify at trial. Federal Rule of Civil Procedure 26(a)(2) sets forth the standards for "disclosure" of expert testimony. No clarification is required.

1 (b) With respect to its request for reconsideration, wedi Corp. has not
2 articulated any manifest error in the prior ruling or any new facts or legal authority
3 that could not have been brought to the Court's attention earlier with reasonable
4 diligence. *See* Local Civil Rule 7(h)(1). wedi Corp.'s contention that it "held off"
5 disclosing Jeffery A. Stec, Ph.D. as an expert in support of its claims (as opposed
6 to in rebuttal concerning its opponents' claims) to avoid "running afoul" of the
7 Minute Order entered October 26, 2018, docket no. 181, in which the parties were
8 reminded that the expert disclosure deadline was March 30, 2018, does not ring
9 true. In its motion for extension, docket no. 202, wedi Corp. took the position
10 that, pursuant to Federal Rule of Civil Procedure 26(a)(2)(D)(i), the deadline for
11 expert disclosure was November 13, 2018 (*i.e.*, 90 days before the trial date),
12 instead of the date previously set by the Court. wedi Corp. did not comply with
13 this (now adopted) deadline, not because it thought doing so would violate the
14 Minute Order issued on October 26, 2018, but because it was hoping for an
15 extension to the end of December 2018 or later. In choosing such path, wedi
16 Corp. ignored the advice of Local Civil Rule 7(j), which states, "Parties should not
17 assume that the motion [for extension] will be granted and must comply with the
18 existing deadlines unless the court orders otherwise."

19 (2) The Clerk is DIRECTED to send a copy of this Minute Order to all counsel
20 of record.

21 Dated this 18th day of December, 2018.

22 William M. McCool
23 Clerk

s/Karen Dews
Deputy Clerk