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| UNITED STATES DISTRICT COURT | | | | | | | | | | | | | | | | | | | | | | | | | | WESTERN DISTRICT OF WASHINGTON AT SEATTLE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OBERTO SAUSAGE COMPANY, a | | | | | | | | | | | | | | | | | | | | | | | | | | NO. C15-1221 RSM | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Washington corporation, | | | | | | | | | | | | | | | | | | | | | | | | | | STIPULATED MOTION AND ORDER TO | | | | | | | | | | | | | | | | | | | | | | | | | | CONTINUE TRIAL DATE AND ADJUST | | | | | | | | | | | | | | | | | | | | | | | | | | CASE SCHEDULE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plaintiff, | | | | | | | | | | | | | | | | | | | | | | | | | | v. | | | | | | | | | | | | | | | | | | | | | | | | | | ENDURANCE AMERICAN INSURANCE | | | | | | | | | | | | | | | | | | | | | | | | | | COMPANY, a Delaware corporation, | | | | | | | | | | | | | | | | | | | | | | | | | | Defendant. | | | | | | | | | | | | | | | | | | | | | | | | | | |

I. INTRODUCTION

Pursuant to LCR 16(b)(4) and 10(g), Plaintiff Oberto Sausage Company and Defendant Endurance American Insurance Company stipulate to and respectfully seek an order continuing the trial date of this matter—presently set for July 24, 2017—to October, 2017. *See* Dkt. No. 23. The parties seek a continuance of the trial date, and a corresponding extension of other deadlines, in order to allow them to attempt to resolve this matter through mediation prior to completing depositions and filing dispositive motions. The parties are in the process of scheduling mediation in this matter for May 2017. This is the parties’ third and final request for a continuance of the trial date. The parties do not anticipate another request for a continuance.

STIPULATED MOTION AND ORDER TO CONTINUE TRIAL
DATE AND ADJUST CASE SCHEDULE - 1
No. 15-cv-1221-RSM

GORDON TILDEN THOMAS & CORDELL LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
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II. RELEVANT FACTS

A. The parties are scheduling mediation in an attempt to resolve this matter.

The parties have agreed on a mediator and are in the process of scheduling mediation for May 2017.

B. The parties require additional time to complete discovery.

The parties would prefer to mediate this matter prior to incurring the cost of dispositive motions and completing depositions. Counsel for both parties agree additional time is needed to complete discovery in the event mediation is unsuccessful. The parties are in the process of scheduling depositions for dates after mediation.

C. This is the parties' final request for a continuance.

The Court previously continued the trial date in this matter by Orders dated May 25, 2016 [Dkt. No. 15] and October 27, 2016 [Dkt. No. 23]. This is the parties' third request for a continuance of the trial date. The parties do not anticipate another request for a continuance.

III. ANALYSIS

The case schedule may be modified for good cause and with the Court's consent. *See LCR 16(b)(4), 10(g).* Here, good cause exists. In particular, a short continuance of the trial date will allow the parties the time needed to attempt to resolve this matter through mediation. The parties have already agreed on a mediator and are in the process of scheduling mediation. In addition, a short continuance will allow the parties the time necessary to complete depositions and engage in motion practice in the event mediation is unsuccessful.

1 Based on the foregoing, the parties jointly and respectfully request the Court continue the
2 trial date in this matter to October 23, 2017. The parties do not anticipate another request for a
3 trial continuance.
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7 **IV. CONCLUSION AND PROPOSED SCHEDULE CHANGE**
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9 Counsel for the parties stipulate to the following proposed case schedule and respectfully
10 request the Court enter an order reflecting this stipulated case schedule:
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| Case Requirement | Proposed New Due Date |
|--|------------------------------|
| Jury trial date | October 23, 2017 |
| Discovery completed by | July 3, 2017 |
| All dispositive motions must be filed by | July 31, 2017 |
| Mediation per CR 39.1(c)(3) held no later than | September 11, 2017 |
| All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter | September 25, 2017 |
| Agreed Pretrial Order | October 11, 2017 |
| Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due | October 17, 2017 |

1 DATED this 25th day of April, 2017.
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7 **GORDON TILDEN THOMAS & CORDELL LLP**
8 Attorneys for Plaintiff Oberto Sausage Company
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18 By s/ Chelsey L. Mam
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20 DATED this 25th day of April, 2017.
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20 **NICOLL BLACK & FEIG**
21 Attorneys for Defendant Endurance American Ins. Co.
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20 By s/ Shannon L. Trivett
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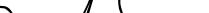
I. ORDER

Based on the foregoing Stipulation,

IT IS HEREBY ORDERED that the existing trial date and corresponding case deadlines be changed to the following:

| Case Requirement | New Due Date |
|--|--------------------|
| Jury trial date | October 23, 2017 |
| Discovery completed by | July 3, 2017 |
| All dispositive motions must be filed by | July 31, 2017 |
| Mediation per CR 39.1(c)(3) held no later than | September 11, 2017 |
| All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter | September 25, 2017 |
| Agreed Pretrial Order | October 11, 2017 |
| Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due | October 17, 2017 |

DATED this 28th day of April 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

STIPULATED MOTION AND ORDER TO CONTINUE TRIAL
DATE AND ADJUST CASE SCHEDULE - 5
No. 15-cv-1221-RSM

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