

Honorable James Robart

United States District COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KISCHE USA LLC, a Washington limited
liability company,

Plaintiff,

V.

ALI SIMSEK and JANE DOE SIMSEK,
husband and wife, and the marital community
composed thereof; DIANE WALKER and
JOHN DOE WALKER, husband and wife, and
the marital community composed thereof; JD
STELLAR LLC, a Washington limited liability
company; and KEVIN COSTANZA and JANE
DOE COSTANZA, husband and wife, and the
marital community composed thereof;

Defendants.

No. 2:16-cv-00168-JLR

REVISED MOTION FOR STIPULATED
AND AGREED ORDER OF
CONTINUANCE

NOTED FOR HEARING

MARCH 3, 2017

I. RELIEF REQUESTED

In its February 10, 2017 Order, the Court denied the Parties' Stipulated Motion for Continuance, without prejudice. Dkt. # 73. The Court indicated that it would consider a revised request if the parties understood and sought to go to the end of the Court's trial calendar, which currently is scheduling for approximately April 2018. *Id.* The Court further indicated it would issue an entirely new case schedule if such relief was granted. *Id.*

REVISED MOTION FOR STIPULATED AND AGREED ORDER
OF CONTINUANCE – Pg. 1 of 3

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1 Kische USA LLC, JD Stellar LLC, Ali Simsek, and Diane Walker now respectfully
2 request the alternative relief that the Court stated it would consider, and ask to be placed at the
3 end of the Court's trial calendar, along with a corresponding continuance to all remaining dates
4 on the case schedule.¹

5 The reason a continuance is necessary remains the same as stated in the original motion:
6 Due to the extensive motion practice in this matter, the litigation has not reached the stage where
7 the parties can adequately prepare for an August 2017 trial and corresponding scheduling dates.
8 The most recent amended complaint and causes of action list was approved by the Court as of
9 2/23/17. Dkt. # 74. The scope of discovery has been disputed relative to the uncertain status of
10 plaintiff's complaint. Defendants JD Stellar, Simsek and Walker may seek to file a third motion
11 to dismiss the second amended complaint. This will further delay the determination of the causes
12 of action at issue in this case as the current trial date approaches. A long-term continuance will
13 allow the motion practice to fully play out as justice demands, and will allow the parties to
14 adequately prepare for all subsequent stages of the litigation.

13 II. STIPULATION

14 COME NOW the Plaintiff Kische USA LLC, and Defendant/crossclaimant JD Stellar
15 LLC, and defendants Ali Simsek and Diane Walker, by and through their attorneys of record,
16 and hereby stipulate and jointly request that the Court continue this matter, placing the trial date
17 at the end of the Court's trial calendar in approximately April 2018, along with a corresponding
18 new scheduling order to be issued by the Court.

19 Dated: 3/3/2017

/s/ Dubs A. T. Herschlip

Dubs A. T. Herschlip, WSBA No. 31652
Attorney for Plaintiff, Kische USA LLC

20
21 Dated: 3/3/2017

/s/ Wesley G. Forman

Donald H. Mullins, WSBA No. 4966
Wesley G. Forman, WSBA No. 44269
Attorney for Defendants, Simsek, Walker, and
JD Stellar LLC

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25 ¹ Kevin Costanza does not join in the other parties' request to continue the trial until Spring 2018,
26 however he will not be filing an objection to this stipulated motion.

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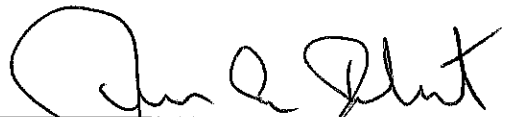
ORDER

THIS MATTER having come before the Court upon the Stipulation of plaintiff Kische USA, defendant/cross-claimant JD Stellar, and defendants Ali Simsek and Diane Walker, and there being no objection from crossclaim defendant Kevin Costanza, and the Court having reviewed the Stipulation and finding good cause, it is hereby

ORDERED, ADJUDGED AND DECREED that the trial date in this matter will be placed at the end of the Court's trial calendar, and the Court will issue a corresponding new scheduling order for ~~all other associated dates.~~ *the expert disclosure deadline and all remaining pretrial deadlines.*

JLR

DONE IN OPEN COURT this 3rd day of March, 2017.



The Honorable Judge James Robart