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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PETE IBARRA III,

Plaintiff,

v.

SNOHOMISH COUNTY, et al.,

Defendants.

CASE NO. C16-0317JLR

ORDER GRANTING IN PART
AND DENYING IN PART
MOTION TO EXTEND AND TO
REOPEN DISCOVERY

I. INTRODUCTION

Before the court is Plaintiff Pete Ibarra III's motion to extend the time to retain counsel and to reopen discovery. (Mot. (Dkt. # 52).) Mr. Ibarra is proceeding *pro se*. (See 3/22/17 Min. Entry (Dkt. # 50).) The court has considered Mr. Ibarra's motion, the relevant portions of the record, and the applicable law. Being fully advised, the court GRANTS Mr. Ibarra's motion in part and DENIES Mr. Ibarra's motion in part.

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1 **II. BACKGROUND & ANALYSIS**

2 On March 14, 2017, Mr. Ibarra filed a motion to allow his counsel to withdraw so
3 that Mr. Ibarra could proceed *pro se* in this matter. (MTW (Dkt. # 49).) On March 22,
4 2017, the court held a hearing on the motion. (See 3/22/17 Min. Entry.) At the hearing,
5 the court allowed Mr. Ibarra’s counsel to withdraw and granted Mr. Ibarra’s “request to
6 proceed *pro se* with the understanding that there is an upcoming trial date of May 15,
7 2017.” (*Id.*) The court allowed Mr. Ibarra to proceed *pro se* as he wanted but set a
8 deadline of April 3, 2017, for replacement counsel to appear. The court also confirmed
9 that Mr. Ibarra is “responsible for the conduct of the trial including all pending motions
10 and satisfaction of pretrial deadlines.” (*Id.*)

11 Mr. Ibarra now moves for an extension of time to retain counsel. (See Mot. at 1.)
12 Mr. Ibarra states that he reviewed his case with the attorney he identified at the March
13 22nd hearing, the attorney declined to represent him, and he therefore needs more time to
14 retain counsel. (*Id.*) Mr. Ibarra also appears to request that the court reopen discovery.
15 (See *id.* (stating that Mr. Ibarra’s former counsel failed to refresh Dr. Brown’s
16 recollection during Dr. Brown’s deposition and that Dr. Hawwa did not “know how to
17 relate the injuries” during Dr. Hawwa’s deposition).)

18 The court grants Mr. Ibarra’s motion for an extension of time to retain counsel and
19 allows Mr. Ibarra until May 1, 2017—the date of the pretrial conference—to retain
20 counsel.¹ However, the court cautions Mr. Ibarra that the court will not continue the trial

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22 ¹ Mr. Ibarra has no general right to counsel in this civil case. See *Palmer v. Valdez*, 560
F.3d 965, 970 (9th Cir. 2009).

1 date or otherwise alter any of Mr. Ibarra’s remaining pretrial deadlines. (*See* Sched.
2 Order (Dkt. # 9) at 1-2.) Accordingly, Mr. Ibarra must notify any potential counsel of the
3 May 15, 2017, trial date and remaining pretrial deadlines, as well as the fact that the court
4 will not continue those dates. (*See id.*) In addition, as long as Mr. Ibarra continues to
5 represent himself, Mr. Ibarra is responsible for meeting all remaining pretrial deadlines—
6 including the April 3, 2017, motions in limine deadline—and for conducting the trial.
7 (*See id.*)

8 Further, if Mr. Ibarra retains counsel, the attorney must file a notice of appearance
9 pursuant to Local Civil Rule 83.2(a) no later than May 1, 2017, as well as a declaration in
10 which the attorney attests that he or she is aware of the May 15, 2017, trial date, any
11 remaining pretrial deadlines, and the fact that the court will not continue those dates. *See*
12 Local Rules W.D. Wash. LCR 83.2(a). Any such counsel must also appear on Mr.
13 Ibarra’s behalf at the May 1, 2017, pretrial conference. (*See* Sched. Order at 2.)

14 To the extent Mr. Ibarra also moves the court to reopen discovery, the court denies
15 Mr. Ibarra’s motion. A party must show good cause for relief from a court’s scheduling
16 order. *See* Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only for good cause
17 and with the judge’s consent.”); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
18 607-08 (9th Cir. 1992) (stating that good cause for purposes of Rule 16 focuses on the
19 diligence of the party seeking to modify the pretrial scheduling order.); (Sched. Order at 1
20 (setting discovery cut-off for January 17, 2017).) Mr. Ibarra has not shown the requisite
21 good cause for reopening discovery, particularly because trial is set to begin in mid-May.
22 (*See generally* Mot.)

1 **III. CONCLUSION**

2 For the reasons set forth above, the court GRANTS the motion in part and
3 DENIES the motion in part (Dkt. # 52).

4 Dated this 30th day of March, 2017.

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7 JAMES L. ROBART
United States District Judge

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