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THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAIMLER AG,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

No. 2:16-cv-00518-RSM

**STIPULATED MOTION AND ORDER
TO AMEND SCHEDULING ORDER**

Pursuant to LCR 10(g), Plaintiff Daimler AG (“Daimler”) and Defendant Amazon.com, Inc. (“Amazon”) respectfully stipulate and jointly move the Court to amend the Order Setting Trial Date and Related Deadlines (ECF No. 43) (“Amended Scheduling Order”) by extending the trial date and modifying the preceding dates, as noted below. This is the parties’ fourth request for an extension of the trial dates and related deadlines.

The parties respectfully submit that good cause exists for the proposed amendments to the schedule. Daimler and Amazon have continued to negotiate the final terms of a settlement agreement that encompasses this proceeding, as well as a trademark infringement action between the parties in the Central District of California (Case No. 2:17-cv-07674), and are closer to resolution of all

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1 outstanding terms. Accordingly, the parties anticipate finalizing their settlement and filing appropriate
2 dismissal paperwork within the requested extension time of 90 days. In light of the further progress
3 made towards settlement, the parties believe that a 90-day extension of all deadlines would allow them
4 to finalize the settlement and dismiss this case, or if the settlement is not finalized, finish preparing
5 their respective cases for trial. Such an extension would allow the parties to avoid the unnecessary
6 expenditure of time and resources and focus on resolving this matter without the need to burden the
7 Court further.

8 Daimler and Amazon, after conferring, agree that given the scope and status of the case and
9 the favorable posture of settlement negotiations, a 90-day extension of the trial date, and all discovery
10 dates, as well as modification to the case schedule is warranted.

11 A proposed amended case schedule is set forth below.

13 JURY TRIAL DATE	February 17, 2020 or later at the Court's convenience
14 Deadline for disclosure of expert witness testimony under FRCP 26(a)(2)	August 19, 2019
15	
16 Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	September 17, 2019
17	
18	
19 Discovery completed by	October 21, 2019
20 All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	November 14, 2019
21	
22 Mediation per LCR 39.1(c)(3) held no later than	January 2, 2020
23	
24 All motions in limine must be filed by and noted on the motion calendar for the third Friday thereafter pursuant to LCR 7(d)	January 16, 2020
25	
26 Agreed pretrial order due	February 3, 2020

1	Pretrial conference to be scheduled by the	
2	Court.	
3	Trial briefs, proposed voir dire questions, jury	February 10, 2020
4	instructions, neutral statement of the case, and	
5	trial exhibits due	

5 DATED: May 9, 2019

6 By: /s/ Larry E. Altenbrun
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25 Attorneys for Plaintiff Daimler AG

26 ** *Per e-mail authority*

19 DATED: May 9, 2019

20 By: /s/ Grant E. Kinsel
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1 **ORDER**

2 For good cause shown, IT IS SO ORDERED, with the exception that February 17, 2020,
3 is a holiday and the trial date is accordingly set for February 18, 2020.

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6 DATED this 13 day of May 2019.

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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE

1
2 Presented by:

3 /s/ Larry E. Altenbrun

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