

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 A.J., ANTONIO J., and LUCIANA  
10 ZEFERINO,

11 Plaintiffs,

12 v.

13 CITY OF BELLINGHAM, *et al.*,

14 Defendants.

CASE NO. C16-0620-JCC

ORDER

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16 This matter comes before the Court on Plaintiff's motion to extend discovery schedule  
17 and continue trial date (Dkt. No. 81). The Court may modify a pretrial scheduling order for good  
18 cause. Fed. R. Civ. Pro. 16(b)(4). Good cause may be found where the pretrial schedule "cannot  
19 reasonably be met with the diligence of the party seeking the extension." *Johnson v. Mammoth*  
20 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

21 Plaintiff's counsel requests a 60 to 90 day extension of case management deadlines, and  
22 if necessary, a trial continuance following a November 17, 2017 fire that destroyed his house and  
23 home office. (Dkt. No. 81 at 1–2.) Counsel and his wife, who is his legal assistant, work from  
24 this home office, which contained his digital and paper records and casefiles. (*Id.*) Counsel bases  
25 his request on the need to deal with logistical issues arising from the fire and the emotional  
26 impact of the disaster, as well as the difficulty of managing case deadlines in this and other

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1 cases. (*Id.* at 3.) Counsel also indicates an outstanding need for additional motions and discovery  
2 to address Federal Defendants' failure to answer the amended complaint. (*Id.*)

3 Defendants oppose Plaintiff's request. They first assert a lack of good cause for an  
4 extension because Plaintiff had adequate time to pursue discovery before the fire, but failed to do  
5 so. (Dkt. No. 83 at 2.) Defendants further base their opposition on Plaintiff's failure to diligently  
6 prosecute this case, citing Plaintiff's prior motions for extensions of time and failure to serve  
7 federal defendants. (*Id.*) Finally, Defendants ask the Court to limit any extension granted. (*Id.*)

8 The Court finds good cause to modify the case schedule and continue trial. Prior  
9 extensions and failures to serve Defendants were caused by Counsel's serious health issues, and  
10 the destruction of Counsel's home and office would impact his ability to work on this case  
11 regardless of how complete discovery was at the time of the disaster. Furthermore, the Court  
12 does not find that an extension or continuance would be prejudice Defendants. For these reasons,  
13 Plaintiff's motion to extend discovery and the trial date (Dkt. No. 81) is GRANTED.

14 Trial in this matter shall be CONTINUED to July 30, 2018. The proposed pretrial order is  
15 due by July 20, 2018. Trial briefs and proposed voir dire and jury instructions are due by July 23,  
16 2018. Discovery cutoff is 120 days before the new trial date, and dispositive motions must be  
17 filed no later than 90 days before the new trial date.

18 DATED this 19th day of January 2018.

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22 John C. Coughenour  
23 UNITED STATES DISTRICT JUDGE  
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