

1 THE HONORABLE JOHN C. COUGHENOUR
2 THE HONORABLE MARY ALICE THEILER

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5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 Robert John Preston,

10 Plaintiff,

11 v.

12 Ryan Boyer,

13 Defendant.

Case No. C16-1106-JCC-MAT

**STIPULATION AND ORDER
AMENDING CASE SCHEDULE**

**NOTE ON MOTION CALENDAR:
November 8, 2017**

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15 **STIPULATION**

16 Pursuant to Local Civil Rule 10(g), Plaintiff Robert Preston and Defendant Ryan Boyer
17 (collectively, the “Parties”) stipulate and agree as follows to modify the August 29, 2017
18 Stipulation and Order Limiting Discovery and Amending Case Schedule (Dkt. No. 66)
19 (“Scheduling Order”):

20 1. In this 42 U.S.C. § 1983 action, Mr. Preston asserts claims for violation of his
21 constitutional rights in connection with his arrest by Snohomish County Sheriff’s Deputy Boyer.
22 Dkt. 10.

23 2. The Scheduling Order governs the case schedule for Deputy Boyer’s qualified
24 immunity defense.

25 3. The Parties have worked diligently to meet the Scheduling Order’s deadlines. For
26 example, seven depositions of fact witnesses have been completed since entry of the Scheduling

1 Order; the Parties have served reports for four expert witnesses; and depositions of two expert
2 witnesses are scheduled to be completed by November 9, 2017.

3 4. Because of schedule conflicts for two expert witnesses and counsel, to
4 accommodate the deposition(s) of one or more rebuttal expert witnesses to be disclosed by
5 November 20, 2017, and to permit the parties to incorporate testimony from expert depositions in
6 their briefing on Deputy Boyer's qualified immunity defense, the parties stipulate and request
7 that case deadlines be modified as follows:

- 8 a. Modify the November 9, 2017 deadline for expert witness depositions to
9 December 29, 2017. This includes depositions of expert rebuttal
10 witnesses;
- 11 b. Modify the November 17, 2017 deadline for filing a summary judgment
12 motion on the issue of qualified immunity to January 11, 2018;
- 13 c. Modify the December 8, 2017 deadline for filing an opposition to the
14 summary judgment motion on the issue of qualified immunity to January
15 29, 2018; and
- 16 d. Modify the December 15, 2017 deadline for filing a reply to the summary
17 judgment motion on the issue of qualified immunity to February 2, 2018.

18 5. The above-proposed deadlines also take into account scheduling challenges due to
19 upcoming holidays.

20 6. The proposed modified deadlines, which govern the qualified-immunity phase of
21 the case, are modest and will not impact a trial date, as no trial date has yet been set. Good cause
22 exists to modify the deadlines for the reasons identified above.

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1 RESPECTFULLY SUBMITTED this 7th day of November, 2017

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3 By: s/J. Camille Fisher
4 J. Camille Fisher, WSBA #41809
5 Jeffry M. Hanson, WSBA #34871
6 Laura C. Hill, WSBA #49229
7 **Perkins Coie LLP**
8 1201 Third Avenue, Suite 4900
9 Seattle, WA 98101-3099
10 Tel: 206.359.8000
11 Fax: 206.359.9000
12 CFisher@perkinscoie.com
13 JHanson@perkinscoie.com
14 LHill@perkinscoie.com

15 *Attorneys for Plaintiff Robert John Preston*

16
17 By: s/Mikolaj T. Tempksi
18 Mikolaj T. Tempksi, WSBA #42896
19 Marc O. Bides, WSBA # 40496
20 **Snohomish County Prosecuting Attorney –**
21 **Civil Division**
22 3000 Rockefeller Ave., M/S 504
23 Everett, WA 98201
24 Tel: (425)388-6330
25 Fax: (425)388-6333
26 Miko.Tempksi@co.snohomish.wa.us
Marc.Bides@co.snohomish.wa.us

Attorneys for Defendant Ryan Boyer

1 **ORDER**

2 Based on the foregoing stipulation, IT IS SO ORDERED:

3 The August 29, 2017 Stipulation and Order Limiting Discovery and Amending Case
4 Schedule (Dkt. No. 66) is modified as follows:

- 5 1. The deadline for expert witness depositions is December 29, 2017. This includes
6 depositions of expert rebuttal witnesses;
- 7 2. The deadline for filing a summary judgment motion on the issue of qualified
8 immunity is January 11, 2018;
- 9 3. The deadline for filing an opposition to the summary judgment motion on the
10 issue of qualified immunity to January 29, 2018; and
- 11 4. The deadline for filing a reply to the summary judgment motion on the issue of
12 qualified immunity to February 2, 2018.

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14 DATED this 9th day of November, 2017

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17 Mary Alice Theiler
18 United States Magistrate Judge
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