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

10 ERIK TWEDE, et al.,

11 Plaintiffs,

12 v.

13 UNIVERSITY OF WASHINGTON,

14 Defendant.

CASE NO. C16-1761JLR

ORDER DENYING
STIPULATION TO EXTEND
CASE SCHEDULE DEADLINES

15 Before the court is the parties' stipulated motion to extend the deadline for expert
16 rebuttal testimony to February 6, 2018, and the discovery cutoff to February 27, 2018.
17 (Stip. Mot. (Dkt. # 44).) The parties request an extension of the expert rebuttal deadline
18 and the discovery cutoff "to conserve resources pending the Court's forthcoming
19 decision" on Defendant University of Washington's ("UW") motion to dismiss. (*Id.* at 1;
20 *see also* MTD (Dkt. # 32).) The court recently granted a similar stipulated motion
21 extending the expert rebuttal testimony deadline to January 16, 2018, and the discovery
22 cutoff to February 6, 2018. (12/15/17 Order (Dkt. # 43).) The court has considered the

1 present motion and, as described below, GRANTS in part and DENIES in part the
2 parties' stipulated motion.

3 The problem with the parties' present request is that the dispositive motions
4 deadline is February 20, 2018. (*See* Sched. Order (Dkt. # 15) at 1.) The court issues
5 scheduling orders setting the trial and related dates to provide a reasonable schedule for
6 the resolution of disputes. The court generally sets the discovery cut-off approximately
7 30 days prior to the deadline for filing dispositive motions. This ensures that the court
8 has a complete record before it when it considers a motion that could potentially dispose
9 of the case. Second, the schedule generally provides approximately 90 days between the
10 deadline for filing dispositive motions and the trial date. This 90-day period takes into
11 account: (a) an approximate 30-day lag between the date a party files a motion and the
12 date that motion becomes ripe for the court's consideration, *see* Local Rules W.D. Wash.
13 LCR 7(d)(3); and (b) an additional 30 days during which the court endeavors to rule on
14 the motion, *see id.* at LCR 7(b)(5). Anything short of a 90-day period leaves inadequate
15 time for the parties to consider the court's ruling and plan accordingly for trial or an
16 alternate resolution. Further, by extending the discovery deadline beyond the dispositive
17 motions deadline, the court risks ruling on summary judgment in the absence of a
18 complete record. Thus, the court is unwilling to steal time from this 90-day period to
19 provide additional discovery time for the parties.

20 Nevertheless, the court is not without some flexibility with respect to the parties'
21 case schedule. The court is willing to extend the rebuttal expert witness deadline to
22 February 6, 2018, because this date is consistent with the revised discovery cutoff of

1 February 6, 2018 (*see* 12/15/17 Order) and still two weeks prior to the dispositive
2 motions deadline of February 20, 2018 (*see* Sched. Order). Therefore, the court grants
3 this request. The court is unwilling, however, to move the discovery cutoff to February
4 27, 2018, because this date falls after the February 20, 2018, dispositive motions
5 deadline. Therefore, the court denies this request. Accordingly, the court GRANTS in
6 part and DENIES in part the parties' stipulated motion (Dkt. # 44) as described herein.

7 Dated this 11th day of January, 2018.

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10 JAMES L. ROBART
11 United States District Judge
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