1

2

3

4

5

6

7

8

9

10

11

12

13

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JAMES M. BLAIR.

v.

CASE NO. C17-0265-JCC

ORDER

CITY OF MERCER ISLAND,

Defendant.

Plaintiff,

14

15

16

17

18

19

20

21

22

23

This matter comes before the Court on Defendant's unopposed¹ motions to continue the trial date (Dkt. No. 42) and extend the time to file dispositive motions (Dkt. No. 44). Having thoroughly considered the parties' briefing and the relevant record, the Court GRANTS the motions for the reasons explained herein.

Defendant seeks an additional continuance of the trial date, following a *sua sponte* continuance by the Court. According to Defendant, counsel is unavailable on the date selected by the Court, July 30, 2018, and a change of counsel would pose a hardship because of current counsel's trial preparation to this point. (Dkt. No. 42 at 2–3.) Defendant also seeks an extension of time to file dispositive motions, based on changes to Plaintiff's alleged causes of action during

24

¹ Plaintiff filed untimely responses in opposition to both of Defendant's motions. (*See* Dkt. Nos. 49, 50) (due March 7, 2018 per Local Rule 7(d)(2) but filed on March 12, 2018). The Court considers these untimely responses as an admission that Defendant's motions have merit. W.D. Wash. Local Civ. R. 7(b)(2).

26

25

ORDER C17-0265-JCC PAGE - 1 the pendency of this proceeding. (Dkt. No. 44 at 2–3.) Defendant asserts that a summary judgment motion would narrow and potentially eliminate remaining issues for trial. (*Id.* at 3.)

Scheduling orders may be modified for good cause. Fed. R. Civ. P. 16(b)(4). The Court finds good cause to continue the trial date and extend the time to file dispositive motions. Defendant was diligent in pursuing discovery and preparing for trial; there is a significant need for a continuance; the inconvenience to the opposing party, witnesses, and the Court is minimal; and denial of a continuance would result in a hardship to Defendant. (*See* Dkt. Nos. 42 at 2–3, 44 at 3–5); *U.S. v. 2.61 Acres of Land*, 791 F.2d 666, 670–71 (9th Cir. 1986).

For the foregoing reasons, the Court GRANTS Defendant's motion to continue the trial date (Dkt. No. 42) and Defendant's motion to extend the time to file dispositive motions (Dkt. No. 44). The Court enters the amended case management deadlines below. Defendant previously filed motions *in limine* (Dkt. No. 35). The Court will consider these motions *in limine*, as well as additional motions *in limine* filed by either party, consistent with these amended case management deadlines.

Amended case management deadlines are as follows:

_	Diamonitive median sytoff.	A
•	Dispositive motion cutoff:	April 27, 2018

• Motions in limine:² July 12, 2018

• Objections to motions *in limine*:³ July 23, 2018

• Pretrial order: August 10, 2018

Trial briefs, Proposed Voir Dire,
 Proposed Jury Instructions & Verdict Form: August 13, 2018

• Trial date: August 20, 2018

The Clerk is DIRECTED to re-note Defendant's motions *in limine* (Dkt. No. 35) to July 27, 2018.

² Both parties may provide additional motions *in limine* by this date.

³ Both parties may object to any motion in limine by this date.

DATED this 14th day of March 2018.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

ORDER C17-0265-JCC PAGE - 3