

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASTE ACTION PROJECT,

Case No. 2:17-CV-00498-RSM

Plaintiff,

VS.

FRUHLING SAND AND TOPSOIL,
INC.,

STIPULATED MOTION AND ORDER TO
EXTEND CASE SCHEDULE AND STRIKE
NOTING DATE ON SUMMARY
JUDGMENT MOTION

Defendant.

Plaintiff Waste Action Project (WAP) and Defendant Fruhling Sand and Topsoil, Inc. (Fruhling) respectfully request that the Court extend all case deadlines in this matter by approximately three months and strike the noting date for WAP's Motion for Partial Summary Judgment (Dkt. 45), subject to re-noting at a later time. The parties propose the specific deadlines detailed below.

The parties have separately stipulated to certain facts and issues to simplify this litigation and avoid unnecessary costs, and are engaged in settlement negotiations to resolve this matter. The parties have exchanged settlement proposals and have agreed to continue discussions in a diligent manner. The parties jointly move to extend the remaining case deadlines, including the trial date, and temporarily strike the noting date on WAP's Motion for Partial Summary Judgment to allow for the parties to pursue settlement without incurring additional costs associated with meeting litigation deadlines, which would be unnecessary if a settlement is reached. The parties agree that good cause exists to extend all deadlines, that the

STIPULATED MOTION AND ORDER TO EXTEND CASE
SCHEDULE AND STRIKE NOTING DATE - 1

1 proposed extension will promote judicial efficiency, and that no party will be prejudiced by the
2 requested extension. Accordingly, the parties request the Court enter an order extending the
3 deadlines as detailed below. The parties also request the Court enter an order temporarily
4 striking the noting date for WAP's Motion for Partial Summary Judgment, to be re-noted upon
5 notice to the Court. Fruhling's response to WAP's motion would be due 14 days after notice to
6 the Court, and WAP's reply and the noting date for the motion would be due 14 days thereafter.

| | Current Deadline | Proposed Deadline |
|--|------------------------------|------------------------------|
| 9 Disclosure of expert 10 testimony under FRCP 11 26(a)(2) | August 22, 2019 | November 22, 2019 |
| 12 Deadline for filing motions 13 related to discovery. Any 14 such motions shall be 15 noted for consideration 16 pursuant to LCR 7(d)(3) | September 23, 2019 | December 23, 2019 |
| 17 Discovery completed by | October 21, 2019 | January 21, 2020 |
| 18 All dispositive motions 19 must be filed by and noted 20 on the motion calendar no 21 later than the fourth Friday 22 thereafter (see LCR 7(d)) | November 20, 2019 | February 20, 2020 |
| 23 Mediation per LCR 24 39.1(c)(3), if requested by 25 the parties, held no later 26 than | January 6, 2020 | April 6, 2020 |
| 27 All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter | January 21, 2020 | April 21, 2020 |
| Agreed pretrial order due | February 6, 2020 | May 6, 2020 |
| Pretrial conference to be scheduled by the Court | To be scheduled by the Court | To be scheduled by the Court |

| | | | |
|----|---|-------------------|---|
| 1 | Trial briefs and proposed findings of fact and conclusions of law, designations of deposition testimony pursuant to LCR 32(e), and trial exhibits due | February 13, 2020 | May 13, 2020 |
| 5 | BENCH TRIAL DATE (5-7 days duration) | February 18, 2020 | To be scheduled by the Court for around May 18, 2020 |
| 7 | Fruhling Response to WAP's Motion for Partial Summary Judgment (Dkt. 45) | August 8, 2019 | 14 days following notice to the Court that the motion is re-noted |
| 9 | WAP Reply on Motion for Partial Summary Judgment (Dkt. 45) | August 16, 2019 | 28 days following notice to the Court that the motion is re-noted |
| 12 | Motion for Partial Summary Judgment (Dkt. 45) Noting Date | August 16, 2019 | 28 days following notice to the Court that the motion is re-noted |

14
15 DATED this 31st day of July 2019.

16
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24 Attorneys for Defendant Fruhling Sand & Topsoil, Inc.

25
26
27 Attorneys for Plaintiff Waste Action Project

ORDER

Based on the above stipulation, IT IS SO ORDERED.

DATED this 5 day of August, 2019.

B. M. S.

**RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE**