

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## WASTE ACTION PROJECT,

CASE NO. C17-498 RSM

Plaintiff,

ORDER GRANTING STIPULATED  
MOTION TO EXTEND THE CASE  
SCHEDULE

## FRUHLING SAND AND TOPSOIL, INC.

Defendant.

This matter is before the Court on the parties stipulated motion to extend the case schedule. Dkt. #60. At the request of the parties, the Court previously extended the case schedule in this matter and struck the noting date of Plaintiff's Motion for Partial Summary Judgment. Dkt. #59. The parties requested the continuance to pursue settlement as they had agreed to several factual contentions. Dkt. #58. The parties now indicate that they have made significant progress towards an agreed resolution of this matter but need additional time to attempt to reach a settlement. Dkt. #60 at 1–2. Finding good cause for a continuance, the Court finds and

1. The deadlines previously set in its Stipulated Motion and Order to Extend Case Schedule and Strike Noting Date on Summary Judgment Motion (Dkt. #59) are VACATED.

## ORDER – 1

2. The parties' Stipulated Motion and Order to Extend Case Schedule and Strike Noting Date on Summary Judgment Motion (Dkt. #60) is GRANTED.

3. The Court SETS the following deadlines:

|                                                                                                                                                       | <b>Current Deadline</b>      | <b>New Deadline</b>          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------|
| Disclosure of expert testimony under FRCP 26(a)(2)                                                                                                    | November 22, 2019            | February 20, 2020            |
| Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)                           | December 23, 2019            | March 19, 2020               |
| Discovery completed by                                                                                                                                | January 21, 2020             | April 20, 2020               |
| All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))                   | February 20, 2020            | May 21, 2020                 |
| Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than                                                                         | April 6, 2020                | July 6, 2020                 |
| All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter                                     | April 21, 2020               | July 20, 2020                |
| Agreed pretrial order due                                                                                                                             | May 6, 2020                  | August 5, 2020               |
| Pretrial conference to be scheduled by the Court                                                                                                      | To be scheduled by the Court | To be scheduled by the Court |
| Trial briefs and proposed findings of fact and conclusions of law, designations of deposition testimony pursuant to LCR 32(e), and trial exhibits due | May 13, 2020                 | August 12, 2020              |

|   |                                                                                |                                                                         |                                                                         |
|---|--------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1 | BENCH TRIAL DATE (5-7<br>days duration)                                        | To be scheduled by the<br>Court for around May 18,<br>2020              | August 17, 2020                                                         |
| 3 | Fruhling Response to WAP's<br>Motion for Partial Summary<br>Judgment (Dkt. 45) | 14 days following notice<br>to the Court that the<br>motion is re-noted | 14 days following notice<br>to the Court that the<br>motion is re-noted |
| 5 | WAP Reply on Motion for<br>Partial Summary Judgment<br>(Dkt. 45)               | 14 days following notice<br>to the Court that the<br>motion is re-noted | 28 days following notice<br>to the Court that the<br>motion is re-noted |
| 7 | Motion for Partial Summary<br>Judgment (Dkt. 45) Noting<br>Date                | 28 days following notice<br>to the Court that the<br>motion is re-noted | 28 days following notice<br>to the Court that the<br>motion is re-noted |

10 DATED this 6<sup>th</sup> day of November 2019.

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13 RICARDO S. MARTINEZ  
14 CHIEF UNITED STATES DISTRICT JUDGE