

1 THE HONORABLE RICARDO S. MARTINEZ
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 ADVANCED HAIR RESTORATION, LLC,

12 Plaintiff,

13 v.

14 HAIR RESTORATION CENTERS, LLC,

15 Defendant.

Case No.: 2:17-cv-00709-RSM

JOINT MOTION AND ORDER TO
AMEND CASE SCHEDULE

16 **I. RELIEF REQUESTED**

17 Pursuant to Fed. R. Civ. P. 16(b)(4) and this Court's August 25, 2017 Order Setting Trial
18 Date and Related Dates (Dkt. No. #13), Plaintiff Advanced Hair Restoration, LLC and Defendant
19 Hair Restoration Centers, LLC move to amend the case schedule and extend the deadlines for
20 joinder and to amend the pleadings. Having met and conferred, the parties request that this Court
21 stay the deadline until seven-days after Defendant identifies the individuals who created the
22 allegedly infringing website in this matter.

23 **II. AUTHORITY**

24 Plaintiff filed suit on May 5, 2017 and this Court issued an Order Regarding Initial
25 Disclosures, Joint Status Report, and Early Settlement shortly thereafter. Dkt. # 1, 5. At the parties'
26 request, this Court extended those initial deadlines to allow Defendant's counsel to get up to speed.

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2:17-cv-00709-RSM

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1 Dkt. # 10. The Court's Order Setting Trial Date and Related Dates followed the parties' submission
2 of their joint status report.

3 This Court may modify case management deadlines for good cause. Fed. R. Civ. P.
4 16(b)(4). Good cause considers the diligence of the parties seeking the modification; a district
5 court may modify the pretrial schedule "if it cannot reasonably be met with the diligence of the
6 party seeking the extension." *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th
7 Cir. 1992) (quoting Fed. R. Civ. P. 16((b)(4) advisory committee notes (1983)).

8 Good cause exists here.

9 This case concerns Plaintiff's allegations of Defendant's intentional infringement of
10 Advanced Hair Restoration's registered copyrights in certain photographs, and its attempt to
11 confuse customers and compete unfairly in the hair transplant procedure business. Dkt. # 1, ¶ 1.
12 Defendant generally denies these allegations and represents that if there was any infringement,
13 such infringement was (1) inadvertent and (2) the fault of as-yet unidentified web developers.

14 Defendant has not identified these web developers. Its initial disclosures provide only that:

15 Individuals from the developer hired by Defendant to create the alleged website
16 will have knowledge and testimony regarding the alleged website, the alleged
images, and Defendant's good faith actions relevant to the Complaint.

17 This information is insufficient for Plaintiff to identify, investigate, or determine whether these
18 developers should be joined to this action.

19 Plaintiff's counsel conferred with Defendant's counsel about identifying these web
20 developers by email on September 19, 2017 and issued discovery seeking this information on
21 September 15, 2017. The parties agreed to extend the deadline until Defendant provides this
22 information, whether as a supplement to their initial disclosures or in response to Plaintiff's initial
23 discovery requests.

24 III. CONCLUSION

25 For the aforementioned reasons, the parties' respectfully request that this Court amend the
26 case schedule and stay the deadlines for joinder and amending the complaint for a reasonable
27 amount of time—seven-days after Defendant provides this information.

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2:17-cv-00709-RSM

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DATED this 22nd day of September, 2017.

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IT IS SO ORDERED.

DATED this 26 day of September 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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2:17-cv-00709-RSM