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The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MORTENSON MANSON, A JOINT VENTURE, a Washington joint venture,

Plaintiff,

v.

ACE AMERICAN INSURANCE COMPANY, a foreign insurance company,

Defendant.

No. 2:17-cv-00778-RSM

STIPULATION AND ORDER GRANTING SECOND EXTENSION OF TIME TO FILE INITIAL DISCLOSURES AND COMBINED JOINT STATUS REPORT AND DISCOVERY PLAN

Plaintiff, Mortenson Manson, a Joint Venture, (“MMJV”), and Defendant, ACE American Insurance Company, (“ACE”), by and through their respective counsel thereto, stipulate and agree that the time in which the parties shall have to submit their FRCP 26(a)(1) Initial Disclosures shall be extended for good cause shown to July 24, 2017, and the FRCP 26(f) Combined Joint Status Report and Discovery Plan shall be extended for good cause shown to July 31, 2017.

STIPULATION AND ORDER GRANTING SECOND EXTENSION OF TIME - 1
CASE NO. 2:17-cv-00778-RSM

OLES MORRISON RINKER & BAKER LLP
701 PIKE STREET, SUITE 1700
SEATTLE, WA 98101-3930
PHONE: (206) 623-3427
FAX: (206) 682-6234

1 **MEMORANDUM OF LAW**

2 Rule 6(b)(1)(A) states, in pertinent part: “When an act may or must be done within a
3 specified time, the court may, for good cause, extend the time: (A) with or without motion or
4 notice if the court acts, or if a request is made, before the original time or its extension expires
5 ...” Fed. R. Civ. P. 6(b)(1)(A).

6 Accordingly, the Court has the discretion and authority to grant an extension of time
7 for the filing of pleadings for good cause. *See PLU Investments, LLC v. Intraspect Group,*
8 *Inc.*, C10-626RSL, 2011 WL 1376192, at *1 (W.D. Wash. Apr. 12, 2011) (citing *In re Veritas*
9 *Software Corp. Sec. Litig.*, 496 F.3d 962, 974 (9th Cir. 2007)). A motion for extension of time
10 filed *before* a deadline has passed should “normally ... be granted in the absence of bad faith
11 on the part of the party seeking relief or prejudice to the adverse party.” *Id.* (citing *Ahanchian*
12 *x. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010)).

13 Here, because the parties are engaged in discussions to efficiently gather extensive
14 construction project and insurance documents for production, there is good cause to grant this
15 extension of time and allow the parties until July 24, 2017 to submit their FRCP 26(a)(1) Initial
16 Disclosures and until July 31, 2017 to submit their FRCP 26(f) Combined Joint Status Report
17 and Discovery Plan. This is the parties’ second request for a short extension for good cause,
18 and the parties believe further extensions will not be necessary.

19 DATED this 14th day of July, 2017.

20 OLES MORRISON RINKER & BAKER LLP

21 BY: /s/ Angelia D. Wesch
22 Angelia D. Wesch, WSBA No. 23377
23 701 Pike Street, Suite 1700
Seattle, WA 98101-3930
Phone: (206) 623-3427
Fax: (206) 682-6234

STIPULATION AND ORDER GRANTING
SECOND EXTENSION OF TIME - 2
CASE NO. 2:17-cv-00778-RSM

OLES MORRISON RINKER & BAKER LLP
701 PIKE STREET, SUITE 1700
SEATTLE, WA 98101-3930
PHONE: (206) 623-3427
FAX: (206) 682-6234

1 Email: wesch@oles.com
2 *Attorneys for Plaintiff, Mortenson Manson,*
3 *A Joint Venture*

4 WILSON SMITH COCHRAN DICKERSON

5 BY: /s/ Scott M. Stickney _____

6 BY: /s/ Maria E. Sotirhos _____

7 BY: /s/ Jeff M. Sbaih _____

8 Scott M. Stickney, WSBA # 14540

9 Maria E. Sotirhos, WSBA # 21726

10 Jeff M. Sbaih, WSBA # 51551

11 901 Fifth Avenue, Suite 1700

12 Seattle, WA 98164-2050

13 Phone: (206) 623-4100

14 Fax: (206) 623-9273

15 Email: stickney@wscd.com

16 sotirhos@wscd.com

17 sbaih@wscd.com

18 *Attorneys for ACE American Insurance Co.*

19 **ORDER**

20 IT IS SO ORDERED.

21 DATED this 17 day of July 2017.

22 

23 RICARDO S. MARTINEZ

CHIEF UNITED STATES DISTRICT JUDGE

1 Presented by:

2 OLES MORRISON RINKER & BAKER LLP

3

BY: /s/ Angelia D. Wesch

4 Angelia D. Wesch, WSBA No. 23377

701 Pike Street, Suite 1700

5 Seattle, WA 98101-3930

Phone: (206) 623-3427

6 Fax: (206) 682-6234

Email: wesch@oles.com

7 *Attorneys for Plaintiff, Mortenson Manson,*
8 *A Joint Venture*

8

9

Approved as to Form; Notice of Presentation

10 Waived; Copy Received:

11 WILSON SMITH COCHRAN DICKERSON

12

BY: /s/ Scott M. Stickney

13 BY: /s/ Maria E. Sotirhos

BY: /s/ Jeff M. Sbaih

14 Scott M. Stickney, WSBA # 14540

Maria E. Sotirhos, WSBA # 21726

15 Jeff M. Sbaih, WSBA # 51551

901 Fifth Avenue, Suite 1700

16 Seattle, WA 98164-2050

Phone: (206) 623-4100

17 Fax: (206) 623-9273

Email: stickney@wscd.com

18 sotirhos@wscd.com

sbaih@wscd.com

19 *Attorneys for ACE American Insurance Co.*

20

21

22

23