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The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TABITHA WILLIAMS, a person,

Plaintiff,

vs.

FOREMOST INSURANCE COMPANY
GRAND RAPIDS MICHIGAN, an insurance
company,

Defendant.

No. 2:17-cv-01113

**STIPULATED MOTION TO
CONTINUE TRIAL DATE AND
AMEND CASE SCHEDULE**

Defendant Foremost Insurance Company Grand Rapids, Michigan (“Foremost”) and Plaintiff Tabitha Williams (collectively the “Parties”) submit this Stipulated Motion to Continue Trial Date and Amend Case Schedule.

I. INTRODUCTION

Under the current Case Schedule, trial is set to begin on August 13, 2018. However, counsel for Defendant has another trial scheduled to begin that same week, on August 14, 2018. That matter is *Gallagher v. Fire Insurance Exchange*, in Skagit County Super Court cause number 15-2-01710-4. That *Gallagher* matter has been pending since 2015, has included two unsuccessful mediations, and will be a seven day trial.

1 In addition and in light of this Court's ruling on summary judgment, the Parties also
2 stipulate to shorten the length of this trial to five (5) days.

3 Accordingly, the Parties stipulate to continue the trial date to September 17, 2018, as well
4 as the related pre-trial deadlines on the Case Schedule. It is therefore respectfully requested that
5 the Court amend the Case Schedule for the reasons set forth herein.

6 II. STATEMENT OF FACTS

7 Plaintiff commenced this action June 22, 2017, in King County Superior Court. Docket
8 at 1-2. Defendant Foremost removed this action to United States District Court on July 21, 2017.
9 Dkt. at 1.

10 Since then, both parties have filed Motions for Partial Summary Judgment. Dkt. at 9 &
11 21. Plaintiff's Motion for Partial Summary Judgment was granted on October 3, 2017. Dkt. at
12 18. Defendant Foremost's Motion for Partial Summary Judgment is currently pending before the
13 Court.

14 Counsel for Defendant Foremost has trial scheduled for a different matter that is set to
15 begin on the very same week as this matter. Declaration of Eric Neal. That matter is *Gallagher*
16 *v. Fire Insurance Exchange*, in Skagit County Super Court cause number 15-2-01710-4. Neal
17 Decl. That case has been ongoing since 2015 and the parties have previously conducted two
18 unsuccessful mediations. Neal Decl. As a result, it appears that the *Gallagher* matter will proceed
19 to trial as scheduled. Neal Decl.

20 Plaintiff has agreed to continue the trial date to September of 2018 as a courtesy to
21 Defendant.

22 For the reasons set forth herein, the Parties respectfully request that the Court amend the
23 current Case Schedule and continue the trial date to September 17, 2018.

1 **III. LEGAL AUTHORITY**

2 The decision to modify a scheduling order is within the broad discretion of the district
3 court. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). The Federal
4 Rules of Civil Procedure set forth a “good cause” standard for modifying a case schedule, and
5 provide as follows:

6 (4) *Modifying a Schedule.* A schedule may be modified only for good cause and with
7 the judge's consent.

8 Fed. R. Civ. P. 16(b)(4).

9 A Court’s evaluation of “good cause” considers the diligence of the party seeking the
10 amendment and the degree of prejudice to the non-moving party. *Johnson v. Mammoth*
11 *Recreations* 975 F.2d 604 (9th Cir. 1992). There is good cause to modify the Case Schedule in
12 this case for several significant reasons.

13 In this case, there is no prejudice to the non-moving party because the Parties have
14 stipulated to amending the Case Schedule. Also, counsel for Defendant has another trial for a
15 much older case that has been noted for the same starting date as this matter.

16 As a result, there is good cause to amend the Case Schedule to continue the trial date and
17 other related deadlines to September 17, 2018. The proposed Amended Case Schedule is as
18 follows:

Case Events	Amended Due Date
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	8/17/2018
Agreed pretrial order due	9/03/2018
Pretrial conference to be schedule by the Court	
Trial Briefs, proposed voir dire questions, jury instructions, neutral statement of the case,	

1 and trial exhibits due

9/10/2018

2 **Trial Date**

9/17/2018

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4 **IV. CONCLUSION**

5 Based on the foregoing, it is requested that the Court amend the Case Schedule to continue
6 the trial date and other related deadlines to September 17, 2018, as presented above.

7 DATED this 9th day of April, 2018.

DATED this 9th day of April, 2018.

8
9 LETHER & ASSOCIATES, PLLC

JOEL HANSON, ATTORNEY AT LAW,
10 PLLC

11 s/ Thomas Lether

s/ Joel Hanson

s/ Eric J. Neal

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Counsel for Plaintiff

1 **V. ORDER**

2 Based on the foregoing Stipulation, it is hereby ORDERED that the Case Schedule be
3 amended to continue the trial date and other related deadlines as follows:

4 Case Events	Amended Due Date
5 All motions in limine must be filed by 6 and noted on the motion calendar no 7 later than the THIRD Friday thereafter	8/17/2018
7 Agreed pretrial order due	9/03/2018
8 Pretrial conference to be schedule by the Court	
9 Trial Briefs, proposed voir dire questions, 10 jury instructions, neutral statement of the case, 11 and trial exhibits due	9/10/2018
11 Trial Date	9/17/2018

12 DATED this 10 day of April 2018.

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15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE

16 Presented by:

17 LETHER & ASSOCIATES,
18 PLLC

17 JOEL HANSON, ATTORNEY AT LAW,
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