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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DAVID WHITSETT,

9 Plaintiff,

10 v.

11 BRANDSAFWAY LLC,

12 Defendant.

NO. 2:17-cv-01236-RSM

STIPULATED MOTION AND
ORDER AMENDING BRIEFING
SCHEDULE ON PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT

13 **STIPULATED MOTION**

14 Pursuant to LCR 7(d)(1) and LCR 10(g), the parties hereby stipulate and move the Court
15 as follows:

16 1. Under the Court's Order Setting Trial Date and Related Dates (Dkt. #13), as
17 modified by the Court's Order Continuing Select Case Schedule Dates (Dkt. #17), the deadline
18 to file and note dispositive motions in this case was July 20, 2018.

19 2. On July 19, 2018, plaintiff filed his Motion for Partial Summary Judgment (see
20 Dkt. ## 23-24) ("Motion"). The Motion is noted for consideration on August 10, 2018.

21 3. Unless continued, pursuant to LCR 7(d)(3), Defendant's response to the Motion is
22 due on Monday, August 6, 2018, and Plaintiff's reply, if any, is due on Friday, August 10, 2018.

23 4. The parties have scheduled a mediation to occur on August 28, 2018, to attempt
24 in good faith to resolve this case.
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STIPULATED MOTION AND ORDER AMENDING
BRIEFING SCHEDULE ON PLAINTIFF'S MOTION
FOR PSJ - 1

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1 5. On July 31, 2018, the parties submitted an earlier version of this stipulated motion
2 and order (Dkt. #27) requesting that the briefing schedule on the Motion be continued until after
3 the mediation in this case.

4 6. On August 1, 2018, the Court issued a Minute Order denying the earlier version
5 of this stipulated motion and order, because the earlier proposed modification to the briefing
6 schedule did not provide the Court with sufficient time to resolve the Motion, should it become
7 necessary, prior to the October 9, 2018 trial date.

8 7. Later that afternoon, on August 1, 2018, counsel for the parties participated in a
9 telephone conference with the Court's judicial clerk. During that conference, the parties indicated
10 that they would attempt to reach agreement on a trial continuance, or in the alternative, on a
11 revised request for a re-noting and a more limited extension of time for briefing on the Motion.

12 8. After conferring, the plaintiff is unable to agree to a continuance of the trial date
13 at this time, but the parties have agreed to the one-week extension of time sought by this new
14 stipulated motion and order (LCR 10(g)).

15 9. Subject to Court approval, the parties have agreed to re-note the Motion for
16 consideration one week after the current noting date, or August 17, 2018. If the Court approves
17 the parties' stipulated motion, the new deadlines for briefing on the Motion would be Monday,
18 **August 13, 2018 (defendant's response)** and Friday, **August 17, 2018 (reply)**.

19 10. For good cause shown, the parties respectfully request that the Court grant this
20 stipulated motion and permit the requested modification to the briefing schedule for the Motion.
21 The parties request that all other remaining case scheduling order deadlines remain unchanged.
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1 It is so stipulated through counsel of record.

2 DATED this 2nd day of August, 2018.

3 FISHER & PHILLIPS, LLP

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4
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1. Defendant's response to the Motion is due on **Monday, August 13, 2018.**
2. Plaintiff's reply, if any, to the Motion is due on **Friday, August 17, 2018.**



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