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THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

THUYHONG NGUYEN, and individual,

Plaintiff,

v.

CENTURYLINK, INC., a Louisiana  
corporation, and QWEST CORPORATION, a  
Colorado corporation,

Defendants.

NO. 2:17-cv-01341-RSL

JOINT STIPULATED MOTION  
AND ORDER FOR RELIEF FROM  
DEADLINE TO SUBMIT  
OPPOSITION BRIEFS

The parties to this action, by and through their respective counsel of record, respectfully request that the Court grant their Joint Stipulated Motion for relief from each parties' deadline to respond to the motions of summary judgment. Defendants' opposition to Plaintiff's Partial Summary Judgment Motion is due Monday, August 27, 2018. *See Plaintiff's Motion for Partial Summary Judgment, Dkt. #42.* Plaintiff's opposition to Defendants' Motion for Summary Judgment is due the same day. *See Defendants' Motion for Summary Judgment, Dkt.*

JOINT STIPULATED MOTION AND ORDER FOR  
RELIEF FROM DEADLINE - 1  
Cause No.: 2:17-cv-01341-RSL



1 #43. The parties request the Court extend the deadline for their opposition briefs to September  
2 17, 2018 and the noting date to September 21, 2018.

3 The parties request this extension for the briefing for two reasons. First, the parties are  
4 attending a full day mediation in an attempt to resolve these claims in their entirety with  
5 Honorable Bruce Hilyer, Ret. on September 13, 2018. This case is more likely to resolve if the  
6 parties' obligations to complete substantial briefing are briefly stayed, with no effect on the  
7 other deadlines in the case scheduling order. Second, the Court has not yet ruled on  
8 Defendants' motion for a protective order relating to Plaintiff's request to depose Defendants  
9 pursuant to Fed. R. Civ. Proc. 30(b)(6). Plaintiff believes she cannot present facts essential to  
10 justify her opposition without this discovery. See, Fed. R., Civ. Proc. 56(d). Defendant believes  
11 that the Court should grant its motion for protective order in its entirety. The parties do not  
12 anticipate that if the Court grants this stipulated motion for extension of the time, it would  
13 interfere with their ability to comply with other deadlines set by the Court, and accordingly,  
14 are not requesting other modification of the scheduling order or briefing schedules on other  
15 motions.

16 The Court has the discretion to grant relief from deadlines for the parties' briefing  
17 pursuant to LCR 7(j). The extension would cause the noting date to be continued beyond the  
18 date identified in the Court's scheduling order. See, Dkt. # 16. A scheduling order may be  
19 modified for good cause and with the Court's consent. Fed. R. Civ. P. 16(b)(4). The Rule 16  
20 "good cause" requirement primarily considers the diligence of the party seeking the  
21 amendment. *Johnson v. Mammoth Recreations, Inc.*, 975 F. 2d 604, 609 (9th Cir. 1992). "The  
22 district court may modify the pretrial schedule if it cannot reasonably be met despite the  
23 diligence of the party seeking the extension." *Id.* (internal citation and quote marks omitted).

1 In this case, the parties' request is consistent with the policies set forth in LCR 39.1 recognizing  
2 that the courts strive to assist parties in resolving their disputes in a just, timely, and cost-  
3 effective matter. The parties complied with applicable deadlines relating to the outstanding  
4 discovery orders, so the request for an extension is also not due to their failure to exercise due  
5 diligent.

6 Accordingly, the parties respectfully request that the Court grant their joint stipulated  
7 motion to continue the deadlines for filing their opposition briefs to September 17, 2018 and  
8 the noting date to September 21, 2018.

9  
10 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

11 DATED August 23, 2018.

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IT IS SO ORDERED.

DATED: August 24, 2018



Robert S. Lasnik  
United States District Judge