

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALISHA SILBAUGH, an individual,)	No.: 2:17-cv-01759-RSM
)	
Plaintiff,)	STIPULATED MOTION TO EXTEND
)	DEADLINES AND ORDER
vs.)	
)	
ELAINE CHAO, Secretary of the Department)	NOTED FOR CONSIDERATION:
of Transportation,)	October 7, 2020
)	
Defendant.)	

STIPULATION

Plaintiff Alisha Silbaugh and Defendant Elaine Chao, through their respective counsel, hereby stipulate to the present motion for an extension of the remaining case deadlines including the current trial date of May 3, 2021.

A court may modify a schedule for good cause. Fed. R. Civ. P. 16(b)(4). Continuing pretrial and trial dates is within the discretion of the trial judge. *See King v. State of California*, 784 F.2d 910, 912 (9th Cir. 1986). The parties are still engaged in discovery and expect discovery to extend beyond the current discovery deadline. The ongoing COVID-19 pandemic has also caused delays for both parties, necessitating additional time for discovery and pretrial preparations. Although the parties have worked cooperatively and diligently to meet the deadlines, they have been unable to obtain all of the necessary medical and other records because of the large volume of third party records held in this case. Without complete records, experts

1 will be unable to provide complete and accurate reports, and the parties are unable to complete
 2 discovery by the current deadlines. For these reasons, good cause exists for the court to modify
 3 the current case schedule.

4 Based on the foregoing, the parties agree to extend the current deadlines as follows:

Event	Current Deadline	New Deadline
Disclosure of expert testimony under FRCP 26(a)(2)	November 6, 2020	March 5, 2021
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	December 5, 2020	April 9, 2021
Discovery completed by	January 6, 2021	May 5, 2021
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	February 4, 2021	June 3, 2021
Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than	March 18, 2021	July 22, 2021
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	April 5, 2021	August 9, 2021
Agreed pretrial order due	April 21, 2021	August 25, 2021
Pretrial conference to be scheduled by the Court		
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	April 28, 2021	September 1, 2021
JURY TRIAL DATE Length of Trial 5–9 days	May 3, 2021	September 20, 2021

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: October 7, 2020

ROCKE | LAW Group, PLLC

3 *s/ Peter Montine*

4 Peter Montine, WSBA No. 49815
5 Roche Law Group, PLLC
6 101 Yesler Way, Suite 603
7 Seattle, WA 98104
8 Phone: (206) 652-8670
9 Email: peter@rockelaw.com

Attorney for Plaintiff

10 DATED: October 7, 2020

United States Attorney's Office

11 *s/ Sarah K. Morehead*

12 SARAH K. MOREHEAD, WSBA #29680
13 HEATHER C. COSTANZO, FLBA #37378
14 Assistant United States Attorneys
15 United States Attorney's Office
16 700 Stewart Street, Suite 5220
17 Seattle, WA 98101-1271
18 Phone: (206) 553-7970
19 Email: sarah.morehead@usdoj.gov
20 Email: heather.costanzo@usdoj.gov

Attorneys for Defendant

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated this 8th day of October, 2020.

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22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE

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DECLARATION OF SERVICE

I caused a copy of the foregoing Stipulated Motion to Extend Deadlines and [Proposed] Order to be served on the following in the manner indicated:

Via ECF:
Sarah K. Morehead
Heather Costanzo
Assistant United States Attorneys
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101
Sarah.Morehead@usdoj.gov
heather.costanzo@usdoj.gov

on today's date.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my belief.

Signed and DATED this 7th day of October, 2020.

Katie Snodgrass, Legal Assistant