

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Honorable James L. Robart

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

KEITH EMMANUEL; RICHARD
HOMCHICK; and CHARLES PETERS, as
individuals,

Plaintiffs,

v.

KING COUNTY, a municipal corporation and
responsible entity of the KING COUNTY
SHERIFF'S OFFICE and the KING COUNTY
PROSECUTING ATTORNEY'S OFFICE;
CITY OF BELLEVUE, a municipal
corporation and responsible entity of the
BELLEVUE POLICE DEPARTMENT; JOHN
URQUHART, individually and in his official
capacity as King County Sherriff; DANIEL
SATTERBERG, individually and in his
official capacity as King County Prosecutor;
STEVEN MYLETT, individually and in his
official capacity as Bellevue Police Chief; and
JOHN DOES 1-10,

Defendants.

No. 2:18-cv-00377-JLR

STIPULATED MOTION AND ~~ORDER TO STAY INITIAL SCHEDULING DEADLINES~~ *file*

NOTE ON MOTION CALENDAR:
May 7, 2018

STIPULATED MOTION AND ORDER TO STAY INITIAL
SCHEDULING DEADLINES (No. 2:18-cv-00377-JLR) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

STIPULATED MOTION

1
2 All parties jointly request that the deadlines for the Joint Status Report and initial
3 disclosures be continued until after the Court rules on King County's Motion to Dismiss and
4 Stay (Dkt. 17), which is noted for May 11.

5 The County's motion seeks, among other relief, a stay of this civil action until the
6 related criminal proceedings in state court are concluded.¹ (See Dkt. 17.) The current deadline
7 to exchange initial disclosures is May 8, and the deadline to submit a Joint Status Report and
8 Discovery Plan is May 15. (Dkt. 15.)

9
10 The parties held their FRCP 26(f) conference on April 23 and resumed the conference
11 on May 3. Among the issues discussed were the topics listed in the Court's March 27, 2018,
12 Order (Dkt. #11), King County's pending motion, the Plaintiffs' own reasons for desiring a
13 stay of this civil action on different grounds than those raised in King County's motion, and
14 other issues. The parties determined that their input regarding numerous items in the Joint
15 Status Report (proposed deadlines for joining additional parties, disclosing experts and
16 completing discovery, for example) will depend on whether this action is going to be stayed
17 and on what grounds. The parties also agreed it would be inefficient to make initial disclosures
18 now if no other discovery will occur until after any potential stay is lifted.

19
20 Therefore, the parties request that the deadlines for initial disclosures and submission
21 of the Joint Status Report both be moved to fourteen days after (1) the Court rules on the
22

23
24
25 ¹ The criminal trials of Plaintiffs Keith Emmanuel and Charles Peters are currently scheduled for
26 September 2018. Plaintiff Richard Homchick's criminal proceeding is already concluded.

1 County's pending motion or (2) the Court lifts any stay it decides to order, whichever occurs
2 later.

3
4 DATED: May 7, 2018
5

6 MILLS MEYERS SWARTLING P.S.
7 Co-Counsel for the City of Bellevue and
8 Chief Stephen Mylett

CITY OF BELLEVUE
OFFICE OF THE CITY ATTORNEY
Lori M. Riordan, City Attorney
Co-Counsel for the City of Bellevue and
Chief Stephen Mylett

9 By: s/Geoffrey M. Grindeland
10 Geoffrey M. Grindeland, WSBA No. 35798
11 Brett T. MacIntyre, WSBA No. 46572
12 Mills Meyers Swartling P.S.
13 1000 2nd Avenue, 30th Floor
14 Seattle, WA 98104
15 Telephone: (206) 382-1000
16 Fax: (206) 386-7343
17 E-mail: ggrindeland@millsmeyers.com
18 bmacintyre@millsmeyers.com

By: s/Cheryl A. Zakrzewski
Cheryl A. Zakrzewski, WSBA No. 15906
City of Bellevue
450 -- 110th Avenue NE
Bellevue, WA 98004
Telephone: (425) 452-6829
Fax: (425) 452-7256
E-mail: czakrzewski@bellevuewa.gov

16 SPIRO HARRISON
17 Counsel for the Plaintiffs

KING COUNTY PROSECUTING
ATTORNEY'S OFFICE
Counsel for King County Defendants

18 By: s/Hozaiifa Y. Cassubhai
19 Hozaiifa Y. Cassubhai, WSBA No. 39512
20 Spiro Harrison
21 500 Union Street, Suite 800
22 Seattle, WA 98101
23 Telephone: (206) 899-1996
24 Fax: (973) 232-0887
25 E-mail: hcassubhai@spiroharrison.com

By: s/David JW Hackett
David JW Hackett, WSBA No. 21236
Richard L. Anderson, WSBA No. 25115
King County Prosecutor's Office
900 King County Administration Building
500 Fourth Avenue
Seattle, WA 98104
Telephone: (206) 296-0430
Fax: (206) 296-8819
E-mail: david.hackett@kingcounty.gov
rich.anderson@kingcounty.gov

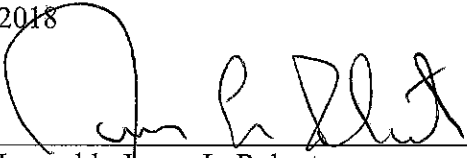
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDER

Based on the foregoing, there is good cause to continue the deadlines for initial disclosures and submission of the Joint Status Report. Accordingly, both deadlines are moved to fourteen days after (1) the Court rules on the County's pending motion or (2) the Court lifts any stay it decides to order, whichever occurs later.

IT IS SO ORDERED.

DATED: May 8, _____, 2018



Honorable James L. Robart
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Hozaiifa Y. Cassubhai, hcassubhai@spiroharrison.com

David J. Hackett, david.hackett@kingcounty.gov

Richard L. Anderson, rich.anderson@kingcounty.gov

I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participants:

N/A

Dated this 7th day of May, 2018.

s/Karrie Fielder

Karrie Fielder