

HONORABLE JUDGE MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JOE J.W. ROBERTS, JR.,

Plaintiff,

v.

VILMA KHOUNPHIXAY, et al.,

Defendants.

NO. 2:18-cv-0746-MJP-BAT

MOTION AND JOINT
STIPULATION TO MODIFY
DEADLINES AND PROPOSED
ORDER

NOTE ON MOTION CALENDAR:
APRIL 10, 2020

MOTION

The parties submit the following Motion and Joint Stipulation for an Order modifying the Deadlines in this Court's Order Setting Trial Date and Related Dates, Dkt. 108, to modify the deadline for initial expert disclosures from April 20, 2020 to June 19, 2020; to modify the dispositive motion deadline from July 20, 2020 to July 27, 2020, and to establish an expert rebuttal report deadline on July 20, 2020, in accordance with Fed. R. Civ. P. 16(b)(4).

I. JOINT STIPULATION

The parties jointly stipulate to modify deadlines in this Court's Order Setting Trial Date and Related Dates, Dkt. 108. This stipulation would set the deadline for initial expert disclosures from April 20, 2020 to **June 19, 2020**. This stipulation would establish an expert rebuttal report deadline on **July 20, 2020**. This stipulation would set the deadline to file and serve any dispositive motion from July 20, 2020 to **July 27, 2020**. This stipulation will not affect any other deadlines including the trial date, which is currently set for **November 16, 2020**.

1 The parties stipulate to modify these deadlines to allow time for Defendants' expert,
2 Dr. Ryan Quirk, to complete his initial expert report in light of changed circumstances resulting
3 from the world-wide coronavirus pandemic. Dr. Quirk is the manager of Psychiatric and Social
4 Services for the King county jail. In that role he is considered essential staff and he continues to
5 provide psychiatric services to patients incarcerated across two facilities (King County
6 Correctional Facility and the Maleng Regional Justice Center). Psychiatric and Social Services
7 is considered to be a part of the larger King County Public Health effort to respond effectively
8 to COVID-19.

9 Due to a decrease in staffing levels, which has taken place at the same time patient needs
10 have increased and become more complex, Dr. Quirk has been called on to work long hours,
11 seven days a week in order to provide patient care and facility coverage. During this challenging
12 time, a large part of his focus and energy has also been on responding to staff concerns and
13 managing staff schedules (both in terms of responding to lower staff levels, ensuring necessary
14 coverage for patient care, developing and implementing new processes, and communication
15 efforts). Consequently, the impacts of the coronavirus pandemic have been profound on
16 Psychiatric and Social Services. In addition, this modification will permit additional time for the
17 Court to consider Defendants' pending Motion for a Rule 35 Independent Mental Examination,
18 Dkt. 109, which Dr. Quirk believes would assist him in his role of providing expert testimony to
19 help the jury to understand the evidence. Accordingly, given the current circumstances, there is

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1 good cause for the proposed modifications to the current deadlines in this matter.

2 Law Office of Harry Williams
3 Law Office of Jennifer Horwitz, PLLC

4 By: s/ Harry Williams
5 Harry Williams, IV, WSBA #41020
6 harry@harrywilliamsllaw.com
7 Jennifer Horwitz, WSBA #23695
8 jennifer@jenniferhorwitzllaw.com
9 Attorneys for Plaintiff

10 DATED this 10th day of April 2020.

11 ROBERT W. FERGUSON
12 Attorney General

13 By: s/ Aaron Williams
14 Aaron Williams, WSBA #46044
15 Aaron.Williams@atg.wa.gov
16 Attorney for Defendants

17 DATED this 10th day of April, 2020.

1 **ORDER**

2 Based on the stipulation of the parties, the Court **ORDERS:**

- 3 1. The stipulation of the parties is **GRANTED**;
- 4 2. The deadline for initial expert disclosures is moved to **June 19, 2020**;
- 5 3. The deadline for expert rebuttal reports is **July 20, 2020**;
- 6 4. The deadline to file and serve any dispositive motion is moved to **July 27, 2020**; and
- 7 5. The Clerk shall send copies of this Order to counsel for all parties.

8 IT IS SO ORDERED this 15th day of April 2020.

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12 Marsha J. Pechman
13 Senior United States District Judge

14 Presented By:

15 Law Office of Harry Williams
16 Law Office of Jennifer Horwitz, PLLC

17 By: s/ Harry Williams
18 Harry Williams, IV, WSBA #41020
harry@harrywilliamsllaw.com
19 Jennifer Horwitz, WSBA #23695
jennifer@jenniferhorwitzllaw.com
Attorneys for Plaintiff

20 DATED this 10th day of April 2020.

21 ROBERT W. FERGUSON
22 Attorney General

23 By: s/ Aaron Williams
24 Aaron Williams, WSBA #46044
Aaron.Williams@atg.wa.gov
25 Attorney for Defendants

26 DATED this 10th day of April, 2020.