

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

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILLIAM R. CLAYTON, et al.,  
  
Plaintiff,  
  
v.  
  
AIR & LIQUID SYSTEMS  
CORPORATION, et al.,  
  
Defendants.

CASE NO. C18-0748JLR  
  
ORDER GRANTING IN PART  
AND DEYING IN PART  
MOTION TO CONTINUE TRIAL

Discovery closed in this matter on June 3, 2019. (Sched. Order (Dkt. # 49).) On June 12, 2019, Plaintiffs William R. Clayton and Jill D. Clayton (collectively, “Plaintiffs”) filed a motion to amend their complaint to re-plead the case as a wrongful death and survivorship action. (Mot. to Am. (Dkt. # 103).)<sup>1</sup> At a Status Conference held on July 24, 2019 (see Dkt. # 130), the court warned Plaintiffs that adding claims in an amended complaint would likely result in a trial date continuance. On August 12, 2019,

<sup>1</sup> Mr. Clayton passed away on May 28, 2019. (See Mot. to Am. at 1.)

1 the court granted Plaintiffs’ motion to amend their complaint. (8/12/2019 Order (Dkt.  
2 # 142).) Plaintiffs filed their first amended complaint for wrongful death and  
3 survivorship on August 13, 2019 (FAC (Dkt. # 143)), and subsequently filed a corrected  
4 first amended complaint on August 15, 2019 (Corrected FAC (Dkt. # 146)). The  
5 corrected amended complaint alleges that “William Clayton’s other statutory  
6 beneficiaries have sustained loss of personal consortium in an amount to be proven at  
7 trial.” (Corrected FAC at 3:18-19.) This is an addition to the prior operative complaint.  
8 (*See* SAC (Dkt. # 1-1).)

9           On August 8, 2019, Defendant Syd Carpenter Marine Contractor, Inc. (“Syd  
10 Carpenter”) filed a motion to continue the trial date on the ground that “[t]he nature of the  
11 damages and claims have changed in light of Mr. Clayton’s passing.” (Mot. to Continue  
12 (Dkt. # 139) at 1:24-25.) The court GRANTS in part and DENIES in part the motion to  
13 continue the trial date as set forth below. The Clerk is directed to set a new trial date at  
14 the end of the court’s trial calendar and a corresponding pretrial schedule. All pretrial  
15 deadlines that have passed will not be rescheduled except that the court allows Syd  
16 Carpenter to conduct limited discovery on Mrs. Clayton and the two Clayton heirs on the  
17 issue of damages. Any such discovery must be completed by November 18, 2019. If a  
18 party wishes to conduct limited discovery on the issue of Mr. Clayton’s cause of death,

19 //

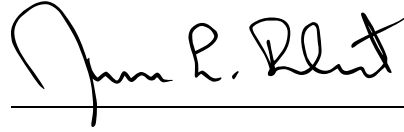
20 //

21 //

22 //

1 the court will entertain a motion on that issue. To the extent the parties believe any  
2 additional discovery is warranted, they should file a motion demonstrating good cause.

3 Dated this 18th day of August, 2019.

4 

5  
6 JAMES L. ROBART  
United States District Judge

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22