

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHANNON ANDERSON SAEVIK,

Plaintiff,

v.

SWEDISH MEDICAL CENTER and
REBECCA DAY, individually and as Clinic
Operations Manager of its Organ Transplant
and Live Center,

Defendants.

CASE NO. C19-1992-JCC

ORDER

This matter comes before the Court on Plaintiff’s motion to compel (Dkt. No. 33) and Defendants’ motion to continue trial and revise the pretrial schedule (Dkt. No. 35.) Having considered the parties’ briefing and the relevant record, and finding oral argument unnecessary, the Court hereby DENIES without prejudice Plaintiff’s motion to compel and GRANTS Defendants’ motion to continue for the reasons described herein.

Plaintiff, who alleges that Defendant Swedish Medical Center (“Swedish”) botched a medical procedure performed on her and then unlawfully fired her, brings wrongful discharge and related claims against Swedish and Plaintiff’s superior at Swedish, Rebecca Day. (See Dkt. No. 1-3.) The discovery cut off in this matter is presently set for June 7, 2021, dispositive motions are due July 16, 2021 and trial is scheduled for October 7, 2021. (Dkt. No. 30.)

1 Defendants move to continue the discovery period and resulting deadlines. (Dkt. No. 35.)
2 They indicate Plaintiff only recently produced, and/or Defendants only recently received,
3 information necessary to depose Plaintiff. (See Dkt. No. 36.) In addition, the parties have not yet
4 agreed on the scope of the deposition of Swedish's Rule 30(b)(6) representative. (See Dkt. No.
5 33-3 at 2.) Given the delay in production to date and the outstanding depositions sought by the
6 parties, (see Dkt. Nos. 33 at 3, 35 at 8-9), the Court finds good cause to modify the remaining
7 case management dates, see Fed. R. Civ. P. 16(b)(4). Case management dates are revised as
8 follows:

9 **Case Management Event**

Revised Due Date

10 Discovery cut off

September 26, 2021

11 Dispositive motions

October 26, 2021

12 Settlement conference

November 17, 2021

13 Rule 39.1 mediation letter of compliance

December 24, 2021

14 Motions *in limine*¹

December 31, 2021

15 Proposed jury instructions, verdict form² and *voir dire*

January 14, 2022

16 Agreed pretrial order and trial briefs

January 19, 2022

17 Trial date³

January 24, 2022

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19 _____
20 ¹ Any objections or responses to the motions *in limine* must be filed no later than seven
21 days from service of the motion.

22 ² The Court relies primarily upon the Ninth Circuit Manual for Model Jury Instructions to
23 prepare final instructions for submission to the jury. Two sets of course-of-trial and end-of-trial
24 jury instructions and a verdict form should be submitted. One set should be numbered
25 sequentially, with citations, indicating whether the instruction is agreed or disputed. A second,
26 clean copy without numbering, citations, or indication whether the instruction is agreed or
disputed should be submitted. All standard jury instructions should be included. The proposed
instructions and the verdict form should also be submitted in word format to the following e-mail
address: CoughenourOrders@wawd.uscourts.gov.

³ The pretrial conference, currently set for October 7, 2021, is VACATED. If a
conference becomes necessary, the Court will address a date for it at the parties' request.

1 Separately, Plaintiffs move to compel production of Swedish's Rule 30(b)(6) deponent.
2 (Dkt. No. 33.) In doing so, Plaintiff includes a meet and confer certification. (*Id.* at 3, *see* Dkt.
3 No. 33-2 at 3.) But Plaintiff's certification is inadequate—a discovery conference occurring more
4 than two months prior is not a good faith attempt to meet and confer to resolve the parties'
5 differences regarding the present scope of the deposition of Swedish's Rule 30(b)(6)
6 representative. *See* Fed. R. Civ. P. 37(a)(1); W.D. Wash. Local Civ. R. 37(a)(1). If, following
7 Plaintiff's good faith attempt to meet and confer, Swedish refuses to provide a representative for
8 a Rule 30(b)(6) deposition, Plaintiff may renew her motion to compel.

9 For the reasons described above, Defendants' motion to continue (Dkt. No. 35) is
10 GRANTED and Plaintiff's motion to compel (Dkt. No. 33) is DENIED without prejudice. The
11 Court declines Defendants' request for fees, (*see* Dkt. No. 37 at 9), finding that such an award
12 would be unjust in this instance. *See* Fed. R. Civ. P. 37(a)(5)(B).

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14 DATED this 4th day of June 2021.

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18 John C. Coughenour
19 UNITED STATES DISTRICT JUDGE
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