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

ROBERT YOUNG, individually, and as legal
guardian of I.R.Y., a minor,

Plaintiffs,

v.

mitsubishi motors north america
corporation, inc., a California
corporation; and mitsubishi motors
corporation, a foreign corporation,

Defendants.

NO. 2:19-cv-02070-RSL

STIPULATED MOTION TO INCREASE
THE NUMBER OF ALLOWED
DEPOSITIONS

I. STIPULATION

Pursuant to Federal Rule of Civil Procedure 26(b)(2), Plaintiff Robert Young, individually, and as legal guardian of I.R.Y., minor (hereinafter referred to as “Plaintiff”) and Defendants Mitsubishi Motors North America, Inc. and Mitsubishi Motors Corporation (hereinafter collectively referred to as “Defendants”), respectfully and jointly move the Court for entry of an order expanding the number of allowed depositions to twenty-five per side, excluding experts.

Federal Rule of Civil Procedure 30(a)(2) presumptively limits the number of allowed depositions in a civil matter to ten per side. FED. R. CIV. P. 30(a)(2). However, as discovery

1 progresses in a case, “it will sometimes unveil a need to allow depositions beyond those
2 contemplated” in the Federal Rules. *See Thykkuttathil v. Keese*, 294 F.R.D. 601, 602 (W.D. Wash.
3 2013). Upon such an event, Federal Rule of Civil Procedure 26(b)(2) allows that “the court may
4 alter the limits in these rules on the number of depositions.” *Id.* “The breadth and complexity of
5 the case is a factor for the Court to consider in determining whether enlargement is warranted.” *Id.*

6 Counsel for the parties have conferred and agree that good cause exists to increase the
7 number of allowed depositions, as set forth below:

8 1. This is a complex products liability case involving multiple parties and serious
9 alleged injuries. The case arises out of a single-vehicle accident involving a 1995 Mitsubishi
10 Montero that was hit by a falling tree. Five people were inside the vehicle, two of whom died.
11 I.R.Y. was the left rear occupant in the vehicle, and she sustained serious injuries as a result of the
12 accident, including paralysis.

13 2. During the course of discovery, approximately fifty fact witnesses have been
14 identified, including but not limited to at least eight bystanders, twenty-six first responders,
15 investigators and emergency personnel, five family members and caregivers of I.R.Y., and six
16 individuals with knowledge regarding the subject vehicle’s chain-of-custody.

17 3. To date, the parties have deposed, noted for deposition, and/or are in the process of
18 scheduling the depositions of the following fact witnesses:

- 19 • Robert Young (Plaintiff) – Deposed February 4, 2021;
- 20 • Trooper Michael Welander (Washington State Patrol Trooper; certified
21 collision technical specialist; drafted accident investigation report) –
Deposed February 24, 2021;

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- Sergeant Gailin Hester (Washington State Patrol Sergeant; assisted with the accident investigation) – Deposed March 2, 2021;
 - Ranger John Bowie (United States Park Ranger; assisted with the accident investigation) – Deposed March 3, 2021;
 - Danielle Young (Plaintiff Robert Young’s daughter; I.R.Y.’s aunt and prior caregiver; owner of the subject vehicle) – Deposed March 10, 2021;
 - Michael Clabaugh (bystander; first on scene; removed I.R.Y. from the subject vehicle) – Deposed March 17, 2021;
 - Katherine Dolashanty (I.R.Y.’s caretaker) – Noted for deposition on March 31, 2021;
 - Sarah Clabaugh (bystander; first on scene; treated and cared for I.R.Y. immediately upon removal from the subject vehicle) – in the process of scheduling;
 - Fire Chief Sam Phillips (responded to the accident scene; oversaw the response and investigation) – in the process of scheduling; and
 - Ranger Brian Wray (United States Park Ranger; assisted with accident investigation) – in the process of scheduling.

15 4. However, critical evidence—including the subject vehicle—is no longer available
16 to the parties. Further, photographs were not taken at the accident scene until after evidence was
17 moved and/or altered. Therefore, in order to adequately obtain evidence regarding the accident
18 and Plaintiffs’ allegations, the parties will need to depose additional fact witnesses—specifically,
19 those individuals who were on-scene immediately after the accident occurred and have first-hand
20 knowledge of the relevant evidence, as well as others with knowledge of the subject vehicle and
21 I.Y.R.’s alleged injuries. This includes, but is not necessarily limited to:

- 1 • Yasmin Martinez – 911 caller; on scene of accident;
- 2 • Kayla Losfgren – 911 caller; on scene of accident;
- 3 • Joyce Bos-Lopez – bystander; on scene of accident;
- 4 • John Ides – bystander; on scene of accident;
- 5 • Carla Ides – bystander; on scene of accident;
- 6 • Terry Wopperer – bystander; on scene of accident;
- 7 • Haley Domning – bystander; on scene of accident; helped care for
- 8 I.R.Y. until first responders arrived;
- 9 • Trooper Addison Schahfer – assisted at the accident scene; completed
- 10 the field diagram; assisted with preparing the vehicle analysis of the
- 11 vehicle; assisted with measuring the scene;
- 12 • Trooper Mike Jensen – assisted at the accident scene; completed the
- 13 field diagram; assisted with preparing the vehicle analysis of the
- 14 vehicle; assisted with measuring the scene;
- 15 • Firefighter/Paramedic Allen Hunt – treated I.R.Y. on scene and
- 16 transported her to the hospital;
- 17 • Firefighter/EMT Neil Crumley – treated I.R.Y. on scene and transported
- 18 her to the hospital;
- 19 • EMT J. Stonig – treated I.R.Y. on scene and transported her to the
- 20 hospital;
- 21 • Fire Captain/EMT Shane Simpson – led team that stabilized the subject
- vehicle and extricated roof;
- Lt. Firefighter Al Oman – assisted in stabilization of the subject vehicle
- and extrication of the roof; and
- Assistant Fire Chief Dan Huff – responded to the scene; tasked with
- overseeing operations as well as triage and extrication.

1 5. In addition to the above, the parties anticipate each designating experts in multiple
2 disciplines with respect to both liability and damages.

3 6. Due to the vast number of fact witnesses involved, and because the testimony of
4 these witnesses will be essential to the development of the parties' expert reports, the parties agree
5 that the presumptive limit of depositions is insufficient.

6 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

7 The number of allowed depositions will be expanded to twenty-five per side, excluding
8 experts.

9 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

10 DATED this 30th day of March, 2021.

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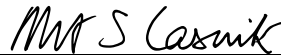
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II. ORDER

THIS MATTER having come on regularly for hearing upon the stipulation of the parties above contained, and the Court being fully advised in the premises, now, therefore, it is hereby ORDERED that the number of allowed depositions will be expanded to twenty-five per side, excluding experts.

Dated this 31st day of March, 2021.



THE HONORABLE ROBERT S. LASNIK
United States District Court Judge