

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WADE K. MARLER, DDS, *et al.*,

NO. 2:20-cv-00616-BJR

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

KARA MCCULLOCH DMD MSD PLLC, *et al.*,

NO. 2:20-cv-00809-BJR

Plaintiffs,

v.

VALLEY FORGE INSURANCE
COMPANY, *et al.*,

Defendants.

CABALLERO,

NO. 2: 20-cv-05437-BJR

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE
COMPANY,

Defendant.

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 1

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1 CHORAK, *et al.*,

2 Plaintiffs,

3 v.

4 HARTFORD CASUALTY INSURANCE
5 COMPANY, *et al.*,

6 Defendants.

NO. 2:20-CV-00627-BJR

7
8 PACIFIC ENDODONTICS, P.C., *et al.*,

9 Plaintiffs,

10 v.

11 OHIO CASUALTY INSURANCE
12 COMPANY, *et al.*,

13 Defendants.

NO. 2:20-CV-00620-BJR

14 NGUYEN, *et al.*,

15 Plaintiffs,

16 v.

17 TRAVELERS CASUALTY INSURANCE
18 COMPANY OF AMERICA, *et al.*,

19 Defendants.

NO. 2:20-cv-00597-BJR

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26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
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1 LA COCINA DE OAXACA LLC,

NO. 2:20-CV-01176-BJR

2 Plaintiff,

3 v.

4 TRI-STATE INSURANCE COMPANY OF
5 MINNESOTA,

6 Defendant.

7
8 MARK GERMACK DDS,

NO. 2:20-CV-0661-BJR

9 Plaintiff,

10 v.

11 THE DENTISTS INSURANCE COMPANY,

12 Defendant.

13
14
15 **STIPULATION**

16 **Whereas,**

17 1. From April through November of 2020, the plaintiffs in the above-captioned cases
18 filed original complaints for business interruption insurance coverage in this district. Certain of
19 these actions were stayed for periods of time pending review of the actions by the Judicial Panel
20 on Multidistrict Litigation (JPML) for potential consolidation and transfer.

21 2. After the JPML denied consolidation, the Court by order dated November 10,
22 2020, consolidated cases in this district by insurer family, and stayed discovery in each of the
23 consolidated cases until such time as the Court rules on dispositive motions.
24

25
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1 3. On November 24, 2020, the Court granted the parties’ Stipulated Motions for
2 Amended Complaints and Briefing of Dispositive Motions and ordered amended complaints in
3 the consolidated actions be filed no later than November 25, and that the briefing of dispositive
4 motions in each of the consolidated cases be completed by March 5, 2021.

5
6 4. Under Local Rule 23(i)(3), there is a deadline to file a motion for class
7 certification within 180 days of filing a complaint.

8 **Now, therefore,** in light of the Court’s orders, including the current discovery stay until
9 the Court rules on dispositive motions, counsel for the parties agree that good cause exists to
10 continue the date upon which the Plaintiffs shall file their motions for class certification pursuant
11 to Local Civil Rule 23(i)(3).

12 The parties stipulate and request that a comprehensive case schedule, including deadlines
13 for fact and expert discovery and (for class action cases) the filing of a motion for class
14 certification, be set by the Court, if necessary, after the Court rules on the dispositive motions.

15
16 **ORDER**

17 Having reviewed the parties’ stipulation, and finding that good cause exists for the
18 requested relief from LCR 23(i)(3), the Court will, if necessary, issue a case schedule setting
19 deadlines for fact and expert discovery and for Plaintiffs (in the class action cases) to file their
20 motions for class certification in the above-referenced actions after the Court rules on the
21 dispositive motions, which are scheduled to be fully briefed and filed no later than March 5,
22 2021, pursuant to the Court’s November 24, 2020 Scheduling Order entered in the actions.

23 DATED this 7th day of January, 2021.

Barbara J. Rothstein

Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE

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