

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE  
COMPANY,

Defendant.

No. 2:20-cv-00616-BJR

**STIPULATION AND ORDER  
GRANTING PLAINTIFFS'  
UNOPPOSED MOTION TO FILE A  
SINGLE OMNIBUS REPLY IN  
SUPPORT OF MOTION TO  
CERTIFY QUESTIONS TO THE  
WASHINGTON STATE SUPREME  
COURT**

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

Plaintiffs,

v.

VALLEY FORGE INSURANCE  
COMPANY, *et al.*,

Defendants.

No. 2:20-cv-00809-BJR

CABALLERO,

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE  
COMPANY,

Defendant.

No. 3:20-cv-05437-BJR

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-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-00661-BJR; 2:21-cv-00050-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

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8 PACIFIC ENDODONTICS, P.S., *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 PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
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(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
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2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 2

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1 LA COCINA DE OAXACA LLC,

2 Plaintiff,

3 v.

4 TRI-STATE INSURANCE COMPANY OF  
5 MINNESOTA,

6 Defendant.

No. 2:20-cv-01176-BJR

7  
8 MARK GERMACK DDS, individually and on  
9 behalf of all others similarly situated,

10 Plaintiff,

11 v.

12 THE DENTISTS INSURANCE COMPANY,

13 Defendant.

No. 2:20-cv-00661-BJR

14 CADECEUS LLC d/b/a CAFE RACER,  
15 individually and on behalf of all others  
16 similarly situated,

17 Plaintiff,

18 v.

19 SCOTTSDALE INSURANCE COMPANY,

20 Defendant.

No. 2:21-cv-00050-BJR

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26 PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
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1           **PLAINTIFFS’ UNOPPOSED MOTION TO FILE A SINGLE OMNIBUS REPLY IN**  
2           **SUPPORT OF MOTION TO CERTIFY QUESTIONS TO THE WASHINGTON STATE**  
3           **SUPREME COURT**

4           In order to increase efficiencies for the parties and the Court, Plaintiffs in the above-  
5 captioned matters respectfully move this Court to allow them to file a single omnibus reply brief  
6 of no more than 15 pages in response to Defendants’ oppositions to Plaintiffs’ Motion to Certify  
7 Questions to the Washington State Supreme Court (the “Opposition Motions”). Plaintiffs have  
8 conferred with counsel for Defendants and they do not oppose this request.

9           In support of this motion, Plaintiffs hereby state as follows:

10           1.       On February 18, 2021, Plaintiffs filed their Motion to Certify Questions to the  
11 Washington State Supreme Court (“the Omnibus Motion”) in the above-captioned *Marler,*  
12 *McCulloch, Caballero, Chorak, Pacific Endodontics, Nguyen, Germack, and La Cocina de*  
13 *Oaxaca* actions.

14           2.       On March 10, 2021, Plaintiff Cadeceus LLC filed a substantively-identical Motion  
15 to Certify Questions to the Washington State Supreme Court (the “Cadeceus Motion”) in the  
16 above-captioned matter.

17           3.       On March 25, 2021, Defendants responded to the Omnibus Motion by filing a 30-  
18 page Omnibus Opposition. Plaintiffs’ reply to this Omnibus Opposition is due April 8, 2021.

19           4.       On March 31, 2021, Scottsdale Insurance Company responded to the Cadeceus  
20 Motion by filing a 5-page opposition, which, among other things, incorporated by reference the  
21 arguments and citations in the March 25, 2021 Omnibus Opposition. Plaintiffs’ reply to  
22 Scottsdale’s opposition is due by April 14, 2021.

1 5. After review of the two oppositions, Plaintiffs believe it will be most efficient for  
2 the parties and the Court if they respond to the two oppositions by filing a single omnibus reply  
3 brief. Plaintiffs will limit their omnibus reply brief to 15 pages, *i.e.*, half the number of pages used  
4 in the Omnibus Opposition, and less than half of the combined total of pages used by the  
5 Defendants collectively in the two opposition motions.  
6

7 6. Plaintiffs will file their single omnibus reply to both oppositions by April 8, 2021.

8 7. Defendants do not oppose Plaintiffs' request to respond to their oppositions by  
9 April 8, 2021 with a single omnibus reply brief that is limited to 15 pages.

10 **Now, therefore,** Plaintiffs' request, which Defendants do not oppose, to file an omnibus  
11 reply brief limited to 15 pages should be granted.  
12  
13

14 **ORDER**

15 **IT IS SO ORDERED.**

16  
17 DATED this 5th day of April, 2021.  
18

19 

20 \_\_\_\_\_  
21 Barbara J. Rothstein  
22 UNITED STATES DISTRICT JUDGE

23 Presented By:  
24  
25

26 DATED this 2nd day of April, 2021

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23 Orchestra*

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