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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD E. MORISKY,

Plaintiff,

v.

MMAS RESEARCH LLC, et al.,

Defendants.

CASE NO. 2:21-CV-1301-RSM-DWC

ORDER SETTING TRIAL DATE AND
RELATED DATES

The Court has reviewed the parties' Joint Status Report (Dkt. 66) and schedules this case for a ten-day jury trial on **July 24, 2023 at 9:00 a.m. before the Honorable Ricardo S.**

Martinez, Courtroom 13206 with the following pretrial schedule:

| Event | Date |
|--|--------------------------|
| Deadline for joining additional parties and amending pleadings | August 5, 2022, |
| Fact discovery completed by | January 13, 2023 |
| Expert disclosures under Fed. R. Civ. P. 26(a)(2) | February 17, 2023 |
| Rebuttal expert disclosures | March 17, 2023 |
| Expert discovery (and taking expert depositions) completed by | March 31, 2023 |

| | | |
|---|---|-----------------------------------|
| 1 | Last date to file motions related to discovery | March 31, 2023 |
| 2 | All dispositive motions and <i>Daubert</i> motions must be filed by (see LCR 7(d)) | March 27, 2023 |
| 3 | Mediation per LCR 39.1(c), if requested by the parties, held no later than | April 28, 2023 |
| 4 | All motions in limine must be filed by this date and noted on the motion calendar no later than the THIRD Friday after filing. | June 26, 2023 |
| 5 | Motions in limine raised in trial briefs will not be considered. | |
| 6 | Agreed LCR 16.1 Pretrial Order due | July 12, 2023 |
| 7 | Trial briefs, proposed voir dire, jury instructions and exhibits by | July 19, 2023 |
| 8 | Pretrial conference | To be set by the Court |
| 9 | | |

10 This order sets firm dates that can be changed only by order of the Court, not by
11 agreement of counsel for the parties. The Court will alter these dates only upon good cause
12 shown. Failure to complete discovery within the time allowed is not recognized as good cause.
13 If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
14 holiday, the act or event shall be performed on the next business day.

15 If the trial dates assigned to this matter creates an irreconcilable conflict, counsel must
16 notify Deputy Clerk Kim Brye at kim_brye@wawd.uscourts.gov, within 10 days of the date of
17 this Order and must set forth the exact nature of the conflict. A failure to do so will be deemed a
18 waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be
19 understood that the trial may have to await the completion of other cases.

20 **ALTERATIONS TO ELECTRONIC FILING PROCEDURES**

21 As of June 1, 2004, counsel shall be required to electronically file all documents with the
22 court. Pro se litigants may file either electronically or in paper form. Information and procedures
23 or electronic filing can be found on the Western District of Washington's website at
24 <https://www.wawd.uscourts.gov>.

1 The following alterations to the Electronic Filing Procedures apply in all cases pending
2 before Judge Martinez:

- 3 • Section III, Paragraph F: When the aggregate submittal to the Court (i.e., the motion, any
4 declarations and exhibits, the proposed order, and the certification of service) exceeds 50
5 pages in length, a paper copy of the document (3-hole punched, with dividers, banded or
6 clipped as needed. No binders.) must be delivered to the Clerk’s Office by 10:30 a.m. the
7 day after filing. The chambers copy must be clearly marked with the words “Courtesy
8 Copy of Electronic Filing for Chambers.”
- 9 • Section III, Paragraph L: Unless the proposed order is stipulated, agreed, or otherwise
10 uncontested, the parties need not email a copy of the order to the judge’s orders email
11 address.

12 **DISCOVERY**

13 As required by CR 37(a), all discovery matters are to be resolved by agreement if
14 possible. If there is a dispute the parties believe can be resolved through a phone conference with
15 the court, the parties should contact Kim Brye at (253) 882-3811 or via e-mail at: kim_brye @
16 wawd.uscourts.gov, as soon as possible.

17 **PRIVACY POLICY**

18 Under LCR 5.2(a), parties must redact the following information from documents and
19 exhibits before they are filed with the Court:

- 20 • Dates of Birth – redact to the year of birth, unless deceased.
- 21 • Names of Minor Children – redact to the initials, unless deceased or currently over the
age of 18.
- 22 • Social Security or Taxpayer ID Numbers – redact in their entirety
- 23 • Financial Accounting Information – redact to the last four digits.
- 24 • Passport Numbers and Driver License Numbers – redact in their entirety.

1 **EXHIBITS**

2 The original and one copy of the trial exhibits are to be delivered to chambers seven days
3 before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the
4 Clerk’s Office.

5 The Court hereby alters the LCR 16.1 procedure for numbering exhibits:

6 Plaintiff’s exhibits shall be numbered consecutively beginning with the number “1”
7 (one). Defendant’s exhibits shall be numbered consecutively beginning with “A-1” (one).
8 Duplicate documents shall not be listed twice. Once a party has identified an exhibit in the
9 Pretrial Order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder
10 with appropriately numbered tabs.

11 **COOPERATION AND SETTLEMENT**

12 As required by LCR 37(a), all discovery matters are to be resolved by agreement if
13 possible. Counsel are further directed to cooperate in preparing the final Pretrial Order in the
14 format required by LCR 16.1, except as ordered below.

15 Should this case settle before Judge Martinez has ruled on dispositive motions, counsel
16 shall notify Kim Brie at (253) 882-3811 or via e-mail at: kim_brie@wawd.uscourts.gov. Should
17 this case settle after Judge Martinez has ruled on dispositive motions, counsel shall immediately
18 notify Laurie Cuaresma, at (206) 370-8521. Pursuant to CR11(b), an attorney who fails to give
19 the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court
20 deems appropriate.

21 Dated this 2nd day of August, 2022.

22 
23 _____
24 David W. Christel
United States Magistrate Judge