

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARIEL BEN-SHIMOL,

Plaintiff,

1

T-MOBILE USA INC.,

Defendant.

CASE NO. 2:21-cv-01314-RSM-JRC

SCEDULING ORDER

The Court has reviewed the parties' Joint Status Report (Dkt. 13) and schedules this case for a twelve-day jury trial beginning **October 31, 2022, 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	November 24, 2021
Deadline for amending pleadings	November 24, 2021
Plaintiff's expert disclosures under Fed. R. Civ. P. 26(a)(2)	April 28, 2022
Defendant's expert disclosures under Fed. R. Civ. P. 26(a)(2)	April 28, 2022

1	Rebuttal expert disclosures	May 26, 2022
2	<i>Daubert</i> motion deadline	June 16, 2022
3	All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) and LCR 37(a)(2)	June 16, 2022
4		
5	Discovery motions must be filed by	
6	Discovery completed by	July 1, 2022
7		
8	All dispositive motions must be filed by (see LCR 7(d))	July 15, 2022
9		
10	All motions in limine must be filed by this date and noted on the motion calendar no later than the second Friday after filing.	October 3, 2022
11		
12	Motions in limine raised in trial briefs will not be considered.	
13	Agreed LCR 16.1 Pretrial Order due	October 19, 2022
14		
15	Pretrial conference	To be set
16		
17	Trial briefs, proposed voir dire, jury instructions and exhibits by	October 28, 2022
18		

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

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

ALTERATIONS TO ELECTRONIC FILING PROCEDURES

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

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

- Section III, Paragraph F: When the aggregate submittal to the Court (i.e., the motion, any declarations and exhibits, the proposed order, and the certification of service) exceeds 50 pages in length, a paper copy of the document (3-hole punched, with dividers, banded or clipped as needed. No binders.) must be delivered to the Clerk’s Office by 10:30 a.m. the day after filing. The chambers copy must be clearly marked with the words “Courtesy Copy of Electronic Filing for Chambers.” Counsel and *pro se* parties should familiarize themselves with temporary directions regarding Courtesy Copies during the COVID-19 outbreak. *See* <https://www.wawd.uscourts.gov/judges/martinez-chambers>.
- Section III, Paragraph L: Unless the proposed order is stipulated, agreed, or otherwise uncontested, the parties need not email a copy of the order to the district judge’s orders email address.

Discovery and Settlement

As required by LCR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel shall also cooperate in preparing the agreed pretrial order in the format required by LCR 16.1.

Should this case settle before Judge Martinez has ruled on dispositive motions, counsel shall notify Judge Creatura's courtroom deputy at Kelly_Miller@wawd.uscourts.gov. Should this case settle after Judge Martinez has ruled on dispositive motions, counsel shall immediately notify Judge Martinez's courtroom deputy at (206) 370-8521. Pursuant to LCR 11(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

Dated this 16th day of November, 2021.

J. K. Ward (signature)

J. Richard Creature
Chief United States Magistrate Judge