

Hon. Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOUTH LAKE UNION HOTEL, LLC, a
Delaware limited liability company,

Plaintiff,

v.

F & F ROGERS FAMILY LIMITED
PARTNERSHIP, a Washington limited
partnership; DOES 1–10,

Defendant.

No. 2:23-cv-01868 KKE

STIPULATED MOTION AND
ORDER TO CONTINUE PRETRIAL
DEADLINES

I. RELIEF REQUESTED

COMES NOW the above captioned Parties jointly, by and through their undersigned counsel, and respectfully move this Court to continue the pre-trial deadlines set forth in the Court’s Order dated September 9, 2024. Dkt. No. 18. The parties have been working diligently and cooperatively in the exchange of discovery documents and in scheduling depositions. Nevertheless, the Parties have experienced delays in the completion of discovery. Accordingly additional time is necessary to complete discovery, conduct productive mediation and prepare the case for trial. Based on the foregoing, the Parties respectfully ask the Court to continue the pre-trial deadlines as set forth below.

1 **II. FACTS**

2 This action arises from a dispute between the owners of two buildings located in
3 the South Lake Union neighborhood of Seattle. Plaintiff owns the Astra Hotel located at
4 300 Terry Avenue North, Seattle, Washington 98109. Plaintiff contends that the
5 conditions of the neighboring Fred Rogers Building have substantially damaged Plaintiff.
6 Plaintiff filed this action alleging that the conditions of the Fred Rogers Building
7 constitute a Private Nuisance and/or a Public Nuisance. Dkt. 1. Defendant generally
8 denies Plaintiff’s allegations, denies liability and has asserted numerous affirmative
9 defenses. Dkt. 9.

10 The Parties have been actively participating in discovery. The Parties have
11 exchanged written discovery and have resolved all discovery disputes through the meet
12 and confer process. The Parties have also commenced the process of depositions and
13 Plaintiff has served its expert report on Defendant pursuant to FRCP 26(a)(2) and the
14 Court’s September 9, 2024 Order. The Parties have also been working towards finalizing
15 dates for third-party depositions, the deposition of expert witnesses and Plaintiff’s
16 30(b)(6) deposition. However, due to delays related to holidays and witness unavailability,
17 the Parties anticipate being unable to complete discovery before the currently set
18 discovery cut-off date. Accordingly, the Parties jointly request a brief extension of certain
19 pre-trial deadlines.

20 **III. ARGUMENT**

21 “[D]istrict courts have the inherent authority to manage their dockets and
22 courtrooms with a view towards the efficient and expedient resolution of cases.” *Dietz v.*
23 *Bouldin*, 579 U.S. 40, 47 (2016). Pursuant to Fed. R. Civ. P. 16 and W.D. Wash. Local
24 Rule 16, the Court may modify the Court’s scheduling order for good cause shown. The
25 “good cause” standard requires a showing that scheduling deadlines “cannot reasonably be
26 met despite the diligence of the party seeking the extension.” *Johnson v. Mammoth Recs.*

1 *Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

2 Good cause exists to continue the trial schedule in this case. The Parties have
3 worked diligently in exchanging discovery in this matter and in resolving discovery
4 disputes without the need for Court intervention. The Parties have actively exchanged
5 written discovery and anticipate finalizing a mutually agreeable deposition schedule
6 including third-party depositions, Plaintiff's deposition and expert witness depositions. An
7 extension of certain pre-trial deadlines is necessary to allow the parties to finalize
8 discovery and fully develop the claims and defenses for trial.

9 Equally important, a continuance will allow the parties to complete discovery in a
10 manner that will maximize the chances that this case resolves in mediation or other
11 alternative dispute resolution forum. Allowing for additional time to conduct discovery
12 will ensure that the Parties' have the necessary information to evaluate the claims and
13 defenses before mediation.

14 Based on the foregoing, the Parties respectfully request the Court continue the
15 remaining pre-trial deadlines as follows:

<i>Deadline</i>	<i>Current Date</i>	<i>Proposed Date</i>
Expert Rebuttal Disclosures due by	1/2/2025	1/24/2025
Discovery Motions	12/30/2024	1/30/2025
Document Discovery completed	1/30/2025	1/30/2025
Depositions Completed	1/30/2025	2/15/2025
Dispositive motions	3/3/2025	3/3/2025
Attorney settlement conference to be held by	4/30/2025	4/30/2025
Motions in Limine due by	5/26/2025	5/26/2025

Proposed jury instructions due by	6/9/2025	6/9/2025
Pretrial Order due by	6/9/2025	6/9/2025
Trial briefs to be submitted by	6/16/2025	6/16/2025
Proposed voir dire questions due by	6/16/2025	6/16/2025
Deposition Designations due by	6/16/2025	6/16/2025
Pretrial Conference set for	6/19/2025	6/19/2025
Jury Trial	6/30/2025	6/30/2025

IV. CONCLUSION

Based on the foregoing, the Parties hereby jointly respectfully request that the Court enter the above-stated amended case schedule.

DATED this 30th day of December, 2024.

MURPHY, PEARSON, BRADLEY &
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ORDER

The Court GRANTS the Parties' stipulated motion to continue the discovery motion deadline and the discovery cut-off date. Dkt. No. 19. Accordingly, the Court vacates the prior case deadlines (Dkt. No. 18) and orders the following pretrial schedule:

<i>Action</i>	<i>Deadline</i>
Expert Rebuttal Disclosures due by	1/24/2025
Discovery Motions	1/30/2025
Document Discovery completed	1/30/2025
Depositions Completed	2/15/2025
Dispositive motions	3/3/2025
Attorney settlement conference to be held by	4/30/2025
Joint brief on Motions in Limine due by	5/26/2025
Proposed jury instructions due by	6/9/2025
Pretrial Order due by	6/9/2025
Trial briefs to be submitted by	6/16/2025
Proposed voir dire questions due by	6/16/2025
Deposition Designations due by	6/16/2025
Pretrial Conference set for	TBD
Jury Trial set for 9:30 a.m.	6/30/2025

