

Judge Ronald B. Leighton

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
THE AIR FORCE, et al.,

Defendants.

No. C06-5195 RBL

**STIPULATION AND ORDER
REGARDING REMAINING
PRETRIAL AND TRIAL DATES**

I. STIPULATION

The above-captioned case has proceeded through discovery, which has closed, and initial summary judgment briefs have been filed. Both parties have requested oral argument for their cross motions for summary judgment. In the event that neither party is successful in summary judgment, trial is set for September 13, 2010, and working backwards from that date, a pre-trial conference is currently scheduled for September 2, 2010, a pretrial order is due August 27, 2010, and motions in limine are due August 16, 2010. Having reviewed the pretrial schedule as well as the remaining summary judgment motion deadlines (along with plaintiff's motion regarding spoliation of evidence), the parties have determined and agreed that an extension of the approaching deadlines would be beneficial.

Currently, deadlines for the completion of summary judgment briefing overlap with the

1 spoliation briefing deadlines as well as pretrial briefing deadlines. Depending on the resolution
2 of summary judgment, if trial is necessary, an extension of the pretrial deadlines would allow for
3 the possibility of a trial with a narrower scope (depending on the resolution of issues at summary
4 judgment).

5 In addition, plaintiff has very recently learned that two of her intended trial witnesses will
6 be traveling abroad in the near future. To preserve the testimony of those individuals, plaintiff
7 has indicated her intention to depose those witnesses in the upcoming weeks (before they travel
8 abroad). Defendants do not object to those preservation depositions, and an extension of the
9 pretrial deadlines would allow the parties to prepare for, travel to, and depose those witnesses.

10 Also, if trial is necessary, the schedule proposed by the parties allows the parties the
11 opportunity to minimize the time necessary for trial by providing additional time for the parties
12 to confer, and potentially stipulate to certain exhibits.

13 Accordingly, the parties to this action, by and through their undersigned attorneys, hereby
14 stipulate and agree to the following schedule:

15 **For Plaintiff's Pending Spoliation Motion**

16 Defendants' Opposition would be due by August 5, 2010.

17 Plaintiff's Reply would be due by August 13, 2010.

18 **For The Pending Summary Judgment Briefing**

19 The noting date would be moved to August 27, 2010; and memoranda in opposition
20 would be due August 20, 2010, with replies due August 27, 2010.

21 **For the Trial Schedule**

22 The trial date would be moved to November 1 (from September 13). Other pre-trial dates
23 would be moved as well. The motions in limine date would be October 4; the pretrial order
24 and/or witness and exhibit lists would be due on October 15; proposed findings of fact and
25 conclusions of law would be due on October 19; and the final pretrial conference would be
26 October 21.

27 If trial takes place, the parties will likely call witnesses who need to travel from far away
28 to attend trial (as will undersigned defense counsel). For that reason, the parties request a

1 separate telephonic conference to schedule trial dates that the Court is available and that would
2 also accommodate the witnesses and counsel. The parties would request such a separate
3 conference take place sometime before September 15, 2010.

4
5 Dated: July 29, 2010

Respectfully submitted,

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Attorneys for Defendants

II. ORDER

22 Based on the foregoing stipulation and good cause shown, THE FOLLOWING ARE
23 HEREBY ORDERED.

24 Regarding Plaintiff's Spoliation Motion:

25 Defendants' Opposition is Due August 5, 2010, and

26 Plaintiff's Reply Memorandum is due August 13, 2010.

27 Regarding Summary Judgment Briefing:

28 The noting date is now August 27, 2010, and memoranda in opposition are due

1 August 20, 2010, and replies due August 27, 2010.

2 Regarding the Trial Schedule:

3 The trial date is November 1, 2010;

4 Motions in limine are due October 4, 2010;

5 The pretrial order and/or witness and exhibit lists are due October 15, 2010;

6 Proposed findings of fact and conclusions of law are due October 19, 2010; and

7 The final pretrial conference would be October 21, 2010.

8 The Court will also set a telephonic conference to set trial dates more definitively that
9 will take place prior to September 15, 2010.

10
11 Date: _____

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

12
13 Dated: July 29, 2010

Presented by

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