

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN WASHINGTON
AT TACOMA DIVISION

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
THE AIR FORCE; ET AL.,

Defendants.

No. C06-5195 RBL

STIPULATION AND ORDER TO
AMEND DEADLINES IN MINUTE
ORDER REGARDING DISCOVERY
DATES

NOTE ON MOTION CALENDAR:
APRIL 16, 2010

I. STIPULATION

The parties to this action, by and through their respective attorneys of record, hereby stipulate and agree that the deadline for all motions related to discovery and the deadline for the completion of discovery be extended by three weeks to May 17, 2010 and June 7, 2010, respectively. Currently, the deadline for discovery motions is April 26, 2010, and the discovery cutoff is May 17, 2010. *See* September 2, 2009 Minute Order Setting Trial, Pretrial Dates and Ordering Mediation at 1.

Relief from these two deadlines is needed because Plaintiff states that James Lobsenz, lead counsel for Plaintiff, has a one to two-week criminal trial in state court involving a Class A felony starting on May 3. It is extremely unlikely that this case will plead out because this trial is a re-trial after appeal and the parties have engaged in good faith negotiations without any

1 success. As a result, Mr. Lobsenz will not be able to take or defend any depositions or draft
2 discovery responses during the next four weeks in the Witt case while he prepares and
3 participates in the upcoming criminal trial.

4 While the parties have made significance progress in discovery, the parties still have
5 multiple expert depositions and a party deposition to conduct and have several discovery
6 requests to answer. The parties' agreement only addresses amending the two discovery
7 deadlines by three weeks. The parties do not seek to amend any other dates in the scheduling
8 order. In particular, the proposed new dates for discovery occur before the deadline for
9 dispositive motions and will not interfere with Court's schedule for summary judgment briefing.

10 Respectfully submitted,

11 DATED this 16 day of April, 2010.

DATED this 16 day of April, 2010.

12 AMERICAN CIVIL LIBERTIES UNION OF
13 WASHINGTON FOUNDATION

U.S. DEPARTMENT OF JUSTICE

14 By:

By:

15 /s/ Sarah A. Dunne

/s/ Bryan R. Diederich

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II. ORDER

Based on the foregoing stipulation and good cause shown, IT IS HEREBY ORDERED that the September 9, 2009 Minute Order Setting Trial, Pretrial Dates and Ordering Mediation is AMENDED so that all motions related to discovery must be filed by May 17, 2010, and discovery must be completed by June 7, 2010.

IT IS SO ORDERED.

Dated this _____ day of April, 2010

Honorable Ronald B. Leighton
United States District Judge

Presented by:

DATED this 16 day of April, 2010.

DATED this 16 day of April, 2010.

ACLU OF WASHINGTON FOUNDATION

U.S. DEPARTMENT OF JUSTICE

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