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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 BRIAN FERGUSON,

10 Plaintiff,

11 v.

12 MONSANTO COMPANY, *et al.*,

13 Defendants.

Case No. C08-5216RJB

ORDER RESETTING  
DATES

14 This matter comes before the Court on Plaintiff's Response to the Order to Show Cause. Dkt. 15.  
15 The Court has reviewed the pleading filed and the record herein.

16 On April 10, 2008, the Court issued a Minute Order Regarding Initial Disclosures, Joint Status  
17 Report, and Early Settlement. Dkt. 3. In that order, the Court directed that the parties file a Combined  
18 Joint Status Report and Discovery Plan not later than July 9, 2008, pursuant to Fed. R. Civ. P. 16 and  
19 Local Fed. R. Civ. P. 16(a). *Id.* The Court further directed that Plaintiff's counsel serve copies of the  
20 minute order on all parties who appeared after the order was filed. *Id.* The Court directed that Plaintiff's  
21 counsel would be responsible for starting the communications needed to comply with the minute order. *Id.*  
22 On August 5, 2008, the Court granted an extension of time to November 12, 2008, for the filing of the  
23 Joint Status Report.

24 A Combined Joint Status Report and Discovery Plan was not filed by November 12, 2008. On  
25 December 9, 2008, the Court ordered "counsel for plaintiff should show cause, if any they have, why this  
26 case should not be dismissed without prejudice under Fed. R. Civ. P. 16(f)(1) and 37(b)(2)(A)(v) by  
27 December 23, 2008" for plaintiff's failure to comply with the Court's scheduling orders. Dkt. 9.

28 Plaintiff's counsel, who is appearing Pro Hac Vice, filed this response, stating that he has now

1 secured local counsel, has successfully served four Defendants and is effecting service on the remaining  
2 Defendants via certified mail and other means. Dkt. 15, at 4. The record indicates that two Defendants  
3 now have counsel representing them. Plaintiff's counsel further states that a dismissal of the case would  
4 severely prejudice Plaintiff "as the statute of limitations has now run." Dkt. 15, at 5. Plaintiff's counsel  
5 seeks a 90 extension of time for all dates set out in the Court's scheduling order. *Id.*

6 Plaintiff's counsel has shown cause why this case should not be dismissed. Plaintiff's counsel has  
7 shown adequate cause for a brief extension of time to comply with the Court's scheduling order. The  
8 dates should be reset as follows:

- 9 • Deadline for FRCP 26(f) Conference: February 18, 2009
- 10 • Initial Disclosures pursuant to FRCP 26(a)(1): February 25, 2009
- 11 • Combined Joint Status Report required  
12 under FRCP 26(f) and Local FRCP 16: March 4, 2009.

13 Plaintiff is reminded that it is his responsibility to initiate communications needed to comply with  
14 the Court's orders requiring a Combined Joint Status Report and Discovery Plan.

15 Therefore, it is hereby, **ORDERED** that the following dates are **RESET** for submission of the  
16 Joint Status Report and Discovery Plan:

- 17 • Deadline for FRCP 26(f) Conference: February 18, 2009
- 18 • Initial Disclosures pursuant to FRCP 26(a)(1): February 25, 2009
- 19 • Combined Joint Status Report required  
20 under FRCP 26(f) and Local FRCP 16: March 4, 2009.

21 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
22 party appearing *pro se* at said party's last known address.

23 DATED this 7<sup>th</sup> day of January, 2009.

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25   
26 ROBERT J. BRYAN  
27 United States District Judge  
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