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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SU SHIN,

Plaintiff,

v.

ESURANCE INSURANCE COMPANY,
a Wisconsin corporation; ESURANCE
PROPERTY AND CASUALTY
INSURANCE COMPANY, a California
corporation; ESURANCE INC., a Delaware
corporation; and ESURANCE INSURANCE
SERVICES, INC., a Delaware corporation,

Defendants.

Case No. C08-05626-RBL

**SECOND STIPULATION AND
ORDER RE: RULE 26 DEADLINES**

**NOTED FOR CONSIDERATION:
February 4, 2009**

STIPULATION

Plaintiff Su Shin, through her undersigned counsel, and Defendants Esurance Insurance Company; Esurance Property And Casualty Insurance Company; Esurance Inc.; and Esurance Insurance Services, Inc., through their undersigned counsel, hereby stipulate as follows:

1. On October 17, 2008, the Court entered its Minute Order Regarding Initial Disclosures, Joint Status Report, And Early Settlement [Docket No. 3] (the "Scheduling Order"), establishing deadlines for the parties to confer under Fed. R. Civ. P. 26(f), to make

SECOND STIPULATION AND ORDER RE:
RULE 26 DEADLINES – 1
Case No. C08-05626-RBL

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1 initial disclosures under Fed. R. Civ. P. 26(a)(1), and to submit a joint status report to the Court
2 under Fed. R. Civ. P. 26(f) and Local Civil Rule 16.

3 2. On December 18, 2008, Plaintiff filed her First Amended Complaint
4 [Docket No. 5], adding new defendant entities and new allegations.

5 3. In light of the filing of the First Amended Complaint, the parties stipulated to
6 extend the Rule 26 deadlines in the Scheduling Order. On December 30, 2008, the Court
7 approved the parties' stipulation and entered an Order [Docket No. 7] extending the deadline
8 for the parties to confer to February 2, 2009, the deadline for initial disclosures to February 9,
9 2009, and the deadline for the Joint Status Report and Discovery plan to February 16, 2009.

10 4. On January 22, 2009, Defendants filed a Motion to Dismiss Plaintiff's First
11 Amended Complaint [Docket No. 8]. In the Motion to Dismiss, Defendants assert that this
12 Court lacks subject matter jurisdiction over this action, and that the First Amended Complaint
13 should be dismissed, in its entirety, with prejudice. Plaintiff will oppose the Motion to
14 Dismiss, and the parties recently stipulated (and asked the Court to order) that the deadline for
15 Plaintiffs' opposition be extended to February 17, 2009, and the deadline for Defendants'
16 Reply be extended to March 2, 2009.

17 5. In light of Defendants' Motion to Dismiss, and the challenge to the Court's
18 subject matter jurisdiction, the parties stipulate and agree that the Rule 26 deadlines should be
19 temporarily suspended. The parties respectfully request that the current Rule 26 deadlines set
20 forth in the Court's December 30, 2008 Order be stricken. If, within 45 days of the close of
21 briefing on Defendants' Motion to Dismiss, the Court has not ruled on the Motion to Dismiss,
22 the parties respectfully request that the Court conduct a status conference with the parties to
23 discuss the Rule 26 deadlines and discovery issues.

24 6. The parties further stipulate and agree that, notwithstanding the temporary
25 suspension of the Rule 26 deadlines, Plaintiff may request authority from the Court to conduct
26 limited discovery to support Plaintiff's theory that the "juridical link" doctrine applies to

1 Defendants. Defendants reserve the right to oppose any such request for limited discovery by
2 Plaintiff.

3 Based on the parties' stipulation and agreement, the parties respectfully request that the
4 Court vacate the deadlines in the December 30, 2008 Order and enter this stipulated Order
5 establishing the process set forth above.

6 DATED this 4th day of February, 2009.

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8 */s/ Brian D. Buckley*

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15 *Attorneys for Defendants*

16
17 */s/ Debra Brewer Hayes*

18

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Attorneys for Plaintiff

1 **ORDER**

2 Pursuant to Stipulation, **IT IS HEREBY ORDERED THAT:**

3 1. The deadlines pursuant to FED R. CIV. P. 26 and Local Civil Rule 16 established
4 by the Court's December 30, 2008 Order [Docket No. 7] are hereby vacated.

5 2. If the Court has not issued a ruling on Defendants' pending Motion to Dismiss
6 [Docket No. 8] within 45 days of the close of briefing on the Motion to Dismiss, the parties
7 may contact the Court to schedule a status conference to discuss the Rule 26 deadlines and/or
8 other discovery issues.

9 3. This Order is without prejudice to Plaintiff's right to request from the Court
10 permission to conduct limited discovery related to Plaintiff's "juridical link" theory, and is
11 without prejudice to Defendants' right to oppose any such request.

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13 DATED this 5TH day of February, 2009.

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17 RONALD B. LEIGHTON
18 UNITED STATES DISTRICT JUDGE
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