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

9 POINT RUSTON, LLC, et al.,

10 Plaintiffs,

11 v.

12 PACIFIC NORTHWEST REGIONAL
13 COUNCIL OF THE UNITED
14 BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA, et al.,

15 Defendants.

CASE NO. C09-5232BHS

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANTS' MOTION TO
COMPEL PRODUCTION AND
REQUEST FOR LEAVE TO
DESIGNATE DAMAGES
EXPERTS; AND GRANTING
DEFENDANTS' MOTION
FOR EXTENSION OF TIME
FOR MEDIATION TO OCCUR

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18 This matter comes before the Court on Defendants' (the "Carpenters") motion to
19 compel production and request for leave to designate damages experts (Dkt. 224); and the
20 Carpenters' motion to extend deadline for mediation (Dkt. 371). The Court issues this
21 order to reiterate its decisions made via telephone conference on August 12, 2010.

22 **I. DISCUSSION**

23 For a more complete factual background of this case, see the Court's order denying
24 in part and granting in part judgment on the pleadings. Dkt. 76. On April 30, 2010, the
25 Carpenters filed a motion to compel and for leave to designate damage experts. Dkt. 224.
26 On August 2, 2010, the Carpenters filed an emergency motion for extension of time to
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1 conduct mediation. Dkt. 371. Both of these motions were disposed of during a
2 teleconference held on August 12, 2010. *See* Dkt. 408.

3 **A. Motion to Compel Production of Documents**

4 During the teleconference the Court ordered Point Ruston to produce the requested
5 documents to the extent the same are available. *See* Dkt. 224 (defining documents sought
6 for production). However, the Court ordered Carpenters to send a representative to
7 opposing counsel's office within ten days to complete the production.

8 Point Ruston made an oral motion at that time to have the production be bilateral,
9 in that the Carpenters have a continuing obligation to produce documents relevant to its
10 discovery requests. While the Court declined to issue such an order, it did remind the
11 parties that they each have a continuing obligation to supplement their discovery
12 responses in accord with the rules of civil procedure.

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14 **B. Request for Leave to Designate Damages Experts**

15 During the teleconference, the Court denied the Carpenters' request to designate
16 damage experts because the motion was untimely and because they did not show good
17 cause for extending the deadline. The Court highlighted the fact that damages has long
18 been known to be an issue in this matter and that the parties should have addressed this
19 issue in advance of the motion to extend the deadline (Dkt. 224).

20 **C. Motion to Extend Deadline for Mediation**

21 During the teleconference, the parties discussed the Carpenters' emergency motion
22 to extend the deadline for mediation (Dkt. 371). The parties jointly requested an extension
23 to the deadline to conduct mediation to August 31, 2010, and the Court accepted this
24 proposed deadline as a resolution. Therefore, the Court need not issue a separate order on
25 Dkt. 371; it is resolved.

1 **II. ORDER**

2 Therefore, it is hereby **ORDERED** that

3 1. The Carpenters' motion to compel production of documents and request for
4 leave to designate damages experts (Dkt. 224) is **GRANTED in part and DENIED in**
5 **part**, to the extent discussed herein and during the teleconference; and

6 2. The Carpenters' request to extend the deadline for mediation (Dkt. 371) is
7 **GRANTED** and the deadline is hereby extended to August 31, 2010.

8 DATED this 23rd day of August, 2010.

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11 BENJAMIN H. SETTLE
12 United States District Judge
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