UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARQUIS BRADFORD,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, JANE DOE HAYES, JOHN DOES ONE THROUGH TEN, STATE OF WASHINGTON, MARTHA HAYES,

Defendants.

CASE NO. C12-5366 KLS

ORDER GRANTING IN PART AND DENYING IN PART THE PARTIES STIPULATED MOTION EXTENDING THE PRETRIAL SCHEDULING DEADLINES

This matter is on consent before United States Magistrate Judge Karen L. Strombom. Dkt. 15. The parties have filed a third stipulated motion for a continuance of the pretrial scheduling order in this case. Dkt. 24.

Defendants removed the action from state court on April 25, 2012 and filed an answer one week later. Dkt. 1 and 8. The Court entered the original scheduling order on May 7, 2012. Dkt. 9. After the time allotted for discovery had elapsed, but prior to the dispositive motion deadline the parties filed a stipulated motion to amend the scheduling order. Dkt. 13. Counsel

stated that the reason for the continuance was a delay in obtaining medical records from the Department of Corrections and that counsel believed discovery could be completed by October 4, 2013. Dkt. 13, p. 2. Counsel made no mention of plaintiff requiring further medical treatment or plaintiff's medical condition being unstable in that motion. Based on information from counsel, the Court adopted the dates proposed by the parties. Dkt. 14.

After this lengthy delay and again after discovery was closed, the parties filed a second stipulated Motion to Amend the scheduling order. Dkt. 19. This motion was filed December 23, 2013 and the case was over a year and a half old. *Id*. In this motion counsel represented that Mr. Bradford was undergoing injections and physical therapy for his injured back and that meaningful discovery could not take place until his condition was stable. Again the Court accepted counsel's representations and granted another lengthy one year extension of time. Dkt. 20.

Now, on the eve of the discovery cutoff date, the parties have filed a third stipulated motion to continue the dates in the pretrial scheduling order and they request an extension of over a year with dispositive motions to be filed by January 2, 2016. Dkt. 24. Apparently the physical therapy and injections that counsel represented to the court were on going in December of 2013 were "delayed" by access to medical care issues. Dkt. 24, p. 1. Counsel represents that plaintiff is now "moving forward with injections under fluoroscopy." *Id*.

The Court understands that the parties are stating that plaintiff's medical condition is not stable. However, the undersigned is troubled by the lengthy delays in bringing this action to trial. The case will be well over three years old and closer to four years old by the time the parties dispositive motions are due. Dkt. 24, p. 4.

The Court will **GRANT** the stipulated motion to extend the discovery cutoff date until **October 2, 2015,** and the dispositive motion date to **January 2, 2016**. After ruling on the dispositive motions the undersigned will set a due date for a Joint Status Report if any issue in the action survives for trial.

The undersigned will not be inclined to consider further delay in moving this action forward absent unforeseeable and compelling circumstances.

Dated this 6th day of October, 2014.

Karen L. Strombom
United States Magistrate Judge