

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERTA ELMORE,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

CASE NO. 3:13-CV-05946-RJB-JRC

REVISED PRETRIAL SCHEDULING
ORDER

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. The Court previously amended the pretrial scheduling order (*See* Dkts. 15, 18, 21, 45). The Court has allowed plaintiff to file an amended complaint and allows defendants to conduct further discovery (Dkts. 45, 47). Defendants filed an answer to plaintiff’s amended complaint (Dkt. 47). The Court needs to revise the scheduling order. The Court now Orders:

Discovery

All discovery shall be completed by **January 21, 2016**. Service of responses to interrogatories and to requests to produce, and the taking of depositions, shall be completed by this date. Federal Rule of Civil Procedure 33(a) requires answers or objections to be served within thirty (30) days after service of the interrogatories. The serving party, therefore, must

1 serve his/her interrogatories at least thirty (30) days before the deadline in order to allow the
2 other party time to answer.

3 Dispositive Motions

4 Any dispositive motion shall be filed and served on or before **February 21, 2016**. The
5 motion shall include in its caption (immediately below the title of the motion) a designation of
6 the Friday upon which the motion is to be noted upon the court's calendar. That date shall be the
7 fourth Friday following filing of the dispositive motion. All briefs and affidavits in opposition to
8 any motion shall be filed and served not later than 4:30 p.m. on the Monday immediately
9 preceding the Friday appointed for consideration of the motion. The party making the motion
10 may file, not later than 4:30 p.m. on the Thursday immediately preceding the Friday designated
11 for consideration of the motion, a response to the opposing party's briefs and affidavits. The
12 documents must indicate in the upper right-hand corner the name of the magistrate judge to
13 whom the documents are to be delivered.

14 Joint Status Report

15 Counsel is directed to confer and provide the Court with a joint status report by no later
16 than **April 15, 2016**. The joint status report shall contain the following information by
17 corresponding paragraph numbers:

- 18 1. A short and concise statement of the case, including the remaining legal and
19 factual issues to be determined at trial;
- 20 2. A narrative written statement from each party setting forth the facts that will be
21 offered by oral or written documentary evidence at trial;
- 22 3. A list of all exhibits to be offered into evidence at trial;

1 4. A list of the names and addresses of all the witnesses each party intends to call
2 along with a short summary of anticipated testimony of each witness.

3 5. Whether the parties agree to arbitration or mediation under this district's
4 arbitration program, and if so whether the arbitration will be final and conclusive or the right to
5 trial de novo will be preserved (see Local Rule CR 39.1(d));

6 6. Whether the case should be bifurcated by trying the liability issues before the
7 damages issues, or specially managed in any other way;

8 7. Any other suggestions for shortening or simplifying the trial in this case;

9 8. The date the case will be ready for trial, considering Local Rule CR 16 deadlines;

10 9. The dates on which trial counsel are unavailable and any other complications to
11 be considered in setting a trial date;

12 10. Whether the trial will be by jury or non-jury;

13 11. The number of trial days required, and suggestions for shortening trial;

14 12. The names, addresses, and telephone numbers of all trial counsel who intend to
15 appear at trial.

16 If the parties are unable to agree on any part of the report, they may answer in separate
17 paragraphs. Separate reports are not to be filed. Plaintiff's counsel will be responsible for
18 initiating communications for the preparation of the joint status report.

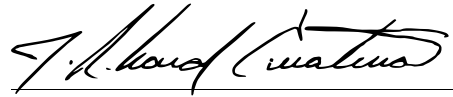
19 Proof of Service & Sanctions

20 All motions, pretrial statements and other filings shall be accompanied by proof that such
21 documents have been served upon counsel for the opposing party (or upon any party acting pro
22 se). The proof shall show the day and manner of service and may be by written acknowledgment
23 of service, by certificate of a member of the bar of this court, by affidavit of the person who

1 served the papers, or by any other proof satisfactory to the court. Such proof of service shall
2 accompany both the original and duplicates filed with the Clerk. Failure to comply with the
3 provisions of this Order can result in dismissal/default judgment or other appropriate sanctions.

4 The Clerk of Court is directed to send a copy of this Order to counsel for plaintiff and
5 defendants.

6 Dated this 21st day of July, 2015.

7 

8 J. Richard Creatura
9 United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23