

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 CHARLES BRIAN BEARDEN, et al.,

7 Plaintiffs,

8 v.

9 CLARK COUNTY,

10 Defendant.

CASE NO. C14-5318 BHS

ORDER GRANTING
PLAINTIFFS' MOTIONS TO
CONTINUE


11
12 This matter comes before the Court on Charles Brian Bearden, Kristi Luckman,
13 Darrin Nicholas Funk, Arturo Rodriguez Perez, Samuel Born, Spencer Knight, Gregory
14 Matthew Rogers, Zachery Dean Lancaster, Donald Jackson Baxter, Jr., and John Davis
15 McCain's ("Plaintiffs") motion to continue trial date (Dkt. 43) and motion for relief from
16 deadline to respond to Defendant Clark County's ("Defendant") motion for summary
17 judgment (Dkt. 44).

18 On January 14, 2014, Plaintiffs filed the instant motions requesting a new trial
19 schedule and additional time to respond to Defendants' motion. Plaintiffs' reason for
20 both requests is their failure to obtain necessary discovery consistent with the Court's
21 current deadlines. Defendant responded to both motions and objected to any extension.
22 Dkts. 52 & 54. Plaintiffs replied. Dkts. 53 & 56.

1 With regard to the trial date and deadlines, the Court may modify the schedule for
2 “good cause.” Fed. R. Civ. P. 16 (b)(4). It is undisputed that Plaintiffs have not
3 conducted the depositions of necessary 30(b)(6) witnesses. While the parties point the
4 finger at one another for this failure, the Court is unable to conclude that either side is
5 solely responsible. Plaintiffs requested the depositions on October 15, 2015, and, for
6 various reasons, the parties have been unable to schedule the depositions. Thus, the
7 Court is faced with two choices: (1) push the discovery and dispositive motions back,
8 which will interfere with trial preparation, if a trial is necessary, or (2) reschedule the trial
9 and accompanying deadlines to accommodate the discovery. Upon review of the docket
10 and briefs, the Court concludes that a trial continuance is the best solution. Therefore, the
11 Court **GRANTS** Plaintiffs’ motion for a continuance. The Clerk shall set this case for
12 trial on the Court’s September 27, 2016 calendar and issue a new scheduling order for the
13 remaining deadlines.

14 With regard to the motion for an extension to respond, Plaintiffs have shown that
15 the depositions may provide facts necessary to justify an opposition. Therefore, the
16 Court **GRANTS** the motion. The parties shall meet and confer regarding an appropriate
17 noting date for the motion for summary judgment (Dkt. 41) after the depositions in
18 question are complete. The Clerk shall remove the motion from the Court’s calendar.

19 Dated this 9th day of February, 2016.

20 
21 BENJAMIN H. SETTLE
22 United States District Judge