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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SULEIMAN ABDULLAH SALIM, et al.,

Plaintiffs,

vs.

JAMES E. MITCHELL and JOHN
JESSEN,

Defendants.

No. CV-15-0286-JLQ

ORDER DIRECTING FILING
OF DISCOVERY PLAN AND
PROPOSED SCHEDULE

This action commenced with the filing of a Complaint on October 13, 2015. On December 11, 2015, the parties filed a Joint Motion for Briefing Schedule and Stay (ECF No. 15) which sought a stay of initial discovery, including the Rule 26(f) conference, submitting a discovery plan, exchanging initial disclosures, written discovery, depositions, and the issuance of the court’s scheduling order. (ECF No. 15, p. 2). The court granted the Motion in part, and as to the request for stay of discovery stated: “The initial stay of discovery is GRANTED. The court will revisit whether a stay of discovery is appropriate after the Motion to Dismiss is filed.” (ECF No. 22).

The Motion to Dismiss (ECF No. 27) was filed on January 8, 2016, and has now been fully briefed. The court has a duty to ensure the “just, speedy, and inexpensive determination of every action and proceeding.” Fed.R.Civ.P. 1. Additionally, the court must issue a scheduling order as soon as practicable, unless finding good cause for delay. Fed.R.Civ.P. 16(b)(2). The court has determined that this matter should not be unduly

1 delayed while the parties are awaiting oral argument on the Motion to Dismiss and while
2 the Motion is under submission, if any. Accordingly, a partial lift of the stay of discovery
3 is appropriate.

4 **IT IS HEREBY ORDERED:**

5 1. The parties shall meet and confer as required by Rule 26(f) on or before **March**
6 **25, 2016**.

7 2. The parties shall prepare a Joint Proposed Discovery Plan pursuant to Rule 26(f)
8 and Proposed Scheduling Plan. The proposed Plans shall be filed no later than **April 8,**
9 **2016**. The proposed Scheduling Plan should address, at minimum: the anticipated time
10 needed for discovery; dispositive motions deadline; any need for special procedures,
11 bifurcation, etc; any issues as to service of process, jurisdiction, or venue (other than as
12 presented in the pending Motion to Dismiss); whether the parties are amenable to
13 mediation and prospects of settlement; and proposed final pretrial conference date, trial
14 dates, and anticipated length of trial.

15 3. If the parties cannot agree on a proposed discovery plan or schedule, they shall
16 file individual reports or address their disagreement in the joint submission.

17 4. At the hearing on the Motion to Dismiss on **April 22, 2016 at 9:00 a.m.** the
18 court will hear from counsel as to the proposed discovery plan and schedule. Counsel are
19 traveling a significant distance for the hearing, and it is in the interests of efficiency to
20 discuss these issues at a time when all parties will be convened for the motion hearing.
21 The court has allocated approximately two hours for the hearing and will allow equal
22 time for each side to address the Motion, proposed discovery plan, and scheduling.

23 5. The stay of discovery shall remain in effect as to written discovery and
24 depositions. The parties may begin exchange of initial disclosures pursuant to Rule
25 26(a)(1), but if the parties are still in agreement as to withholding such disclosures, they
26 may withhold such disclosures pending the April 22, 2016 hearing.

