

THE HONORABLE JOHN H. CHUN

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AGATA DROZDZ, an individual and TEAKRE
VEST, an individual

Plaintiffs,

v.

USAA GENERAL INDEMNITY COMPANY,
UNITED SERVICES AUTOMOBILE
ASSOCIATION and USAA CASUALTY
INSURANCE COMPANY,

Defendants.

Case No. 2:20-cv-01010-JHC

CLASS ACTION

**STIPULATED MOTION AND ORDER
EXTENDING CASE SCHEDULE
DEADLINES**

**NOTED FOR CONSIDERATION:
NOVEMBER 21, 2022**

Plaintiffs Agata Drozdz and Teakre Vest and Defendants USAA General Indemnity Company, United Services Automobile Association and USAA Casualty Insurance Company jointly move this Court to amend the briefing and class expert discovery schedule on Plaintiffs' motion for class certification.

I. STIPULATION

Pursuant to LCR 7(d)(1), LCR 10(g), and LCR 16(b)(6), the parties respectfully submit this stipulated motion to extend the briefing and class expert discovery schedule on class certification. In support of the motion, the parties state as follows:

1. Plaintiffs filed this proposed class action in King County Superior Court on March 5, 2020. See Dkt. No. 1-2. Defendants removed the case to this Court on June 29, 2020. See Dkt. No. 1.

1 2. On November 10, 2021, the parties submitted a stipulated motion and proposed
2 order asking the Court to set a briefing schedule on class certification and to continue all other
3 case deadlines until after the Court rules on class certification. Dkt. No. 37. The Court granted
4 that motion and set the briefing schedule proposed by the parties. Dkt. No. 38.

5 3. On February 16, 2022, the parties submitted a second stipulated motion and
6 proposed order asking the Court to extend the briefing deadlines for class certification by
7 approximately two months, due primarily to unanticipated delays in the production of critical
8 data and documents. Dkt. No. 39. The parties worked cooperatively throughout the delay and
9 were able to resolve other discovery issues while waiting for the data production. *Id.* The Court
10 granted the motion, setting the deadline for Plaintiffs' motion on class certification to May 6,
11 2022. Dkt. No. 40.

12 4. Following completion of the data production, the parties scheduled Rule 30(b)(6)
13 depositions of both Defendants and a third party. Those depositions were initially scheduled to
14 occur in early April 2022.

15 5. On March 30, 2022, counsel for Defendants informed Plaintiffs' counsel that in
16 preparing Defendants' designee for the 30(b)(6) deposition, counsel learned of additional
17 relevant documents and information that were both responsive to Plaintiffs' discovery requests
18 and within the scope of documents Defendants had agreed and intended to produce but that
19 had not previously been identified.

20 6. Because it was going to take a fair amount of time for Defendants to gather and
21 produce the additional responsive documents and data, the parties submitted a third stipulated
22 motion and proposed order to extend the deadlines related to class certification. The Court
23 granted that motion and set a deadline of December 16, 2022, for Plaintiffs' opening brief. Dkt.
24 No. 45.

25 7. Defendants produced additional data and documents on a rolling basis between
26 April 5, 2022, and November 7, 2022.

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1 8. On November 9, 2022, Plaintiffs deposed Defendants under Rule 30(b)(6).

2 9. Approximately two weeks before the deposition, the parties learned there was a
 3 fundamental misunderstanding between them regarding the scope of Defendants’ data
 4 production. Plaintiffs believed they had received a complete set of information, but it was only
 5 a subset. Defendants disagree, and maintain that they provided Plaintiffs with all of the data
 6 they had sought.

7 10. After taking the Rule 30(b)(6) deposition, Plaintiffs asked Defendants for
 8 additional data.

9 11. Defendants are currently working to gather and produce the additional data and
 10 expect that production will occur sometime between mid-December and early January.

11 12. Plaintiffs will need a few weeks to review the data before determining whether
 12 to move forward with a motion for class certification and, if they decide to do so, preparing
 13 their opening brief.

14 13. Based on the foregoing information, the parties agree that good cause exists to
 15 extend the deadlines related to class certification as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiffs’ Motion for Class Certification and any supporting expert reports	12/16/2022	2/10/2023
Deadline for completion of expert discovery relating to class certification issues – Plaintiffs’ expert(s)	1/27/2023	3/24/2023
Defendants’ Response to Plaintiffs’ Motion for Class Certification and any supporting expert reports	3/3/2023	4/28/2023
Deadline for completion of expert discovery relating to class certification issues – Defendants’ expert(s)	4/7/2023	6/2/2023

Plaintiffs' Reply in Support of Motion for Class Certification	5/5/2023	6/3/2023
Joint Proposed Case Schedule Setting remaining case deadlines and Trial Date	Within 2 weeks of ruling on class certification	Within 2 weeks of ruling on class certification

STIPULATED TO AND DATED this 21st day of November, 2022.

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Attorneys for Plaintiffs

Attorneys for Defendants

II. ORDER

IT IS SO ORDERED.

DATED this 22nd day of November, 2022.



THE HONORABLE JOHN H. CHUN
United States District Judge

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