

GABRIEL KORTLEVER, SY EUBANKS, and ALL OTHERS SIMILARLY SITUATED,
Plaintiff,
v.
WHATCOM COUNTY, WASHINGTON; WHATCOM COUNTY SHERIFF'S OFFICE
Defendants.

No. 2:18-cv-00823.

United States District Court, W.D. Washington, Seattle.

July 26, 2018.

Gabriel Kortlever & Sy Eubanks, and all others similarly situated, Plaintiffs, represented by Bart J. Freedman, K&L GATES LLP, Christina A. Elles, K&L GATES LLP, Jessica Wolfe, ACLU OF WASHINGTON, John B. Midgley, ACLU OF WASHINGTON, Mark M. Cooke, ACLU OF WASHINGTON, Todd L. Nunn, K&L GATES LLP, David Matthew Doden, K&L GATES LLP & Lisa Nowlin, ACLU OF WASHINGTON.

Whatcom County, Washington & Whatcom County Sheriff's Office, Defendants, represented by George C. Roche, WHATCOM COUNTY PROSECUTING ATTORNEY'S OFFICE.

STIPULATED MOTION TO STAY PROCEEDINGS

JAMES L. ROBERT, District Judge.

Basis for Motion

Pursuant to LCR 7(d)(1) and 10(g), Plaintiffs Gabriel Kortlever and Sy Eubanks, and Defendants Whatcom County, Washington and Whatcom County Sheriff's Office, by and through their counsel, respectfully move the Court to stay the proceedings in this action while the parties engage in settlement efforts.

1. This case was filed on June 6, 2018, and concerns access to Medication-Assisted Treatment ("MAT") in Whatcom County Jail in Bellingham, Washington. (ECF No. 1). Plaintiffs seek to represent "a class of non-pregnant people who have on OUD and who are incarcerated, or who will be incarcerated in the future, at the Whatcom County Jail." *Id.* ¶ 87.

2. Also on June 6, 2018, Plaintiff filed a Motion for Class Certification, with a noting date of July 13, 2018. (ECF No. 2).

3. On June 28, 2018, Defendants filed a CR 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Based, with a noting date of July 27, 2018. (ECF No. 9).

4. On June 29, 2018, Defendants filed their Response to Plaintiffs' Motion to Certify Class. (ECF No. 12).

5. On July 10, 2018, the Court entered on Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (ECF No. 13). Under the Order, the deadline for the FRCP 26(f) Conference was July 24, 2018; the deadline for the Initial Disclosures Pursuant to FRCP 26(a)(1) is August 7, 2018; and the deadline

for the Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f) is August 14, 2018. *Id.*

6. On July 13, 2018, Plaintiffs filed their Reply In Support of Motion for Class Certification. (ECF No. 14).

7. On July 23, 2018, Plaintiffs filed their Response to Defendants' Motion to Dismiss. (ECF No. 22).

8. The motion for Class Certification is ripe and remains pending. The Reply in Support of the Motion to Dismiss is due July 27, 2018, at which time it will be ripe. No other motions or hearings are pending and there are no other deadlines set in this case.

9. The parties have recently begun settlement discussions, and the parties believe they may be able to settle this action without the need for further proceedings in Court, including a ruling on the pending motions.

10. The parties convened a Rule 26(f) conference on July 24, 2018. Most of the discussion focused on settlement possibilities.

11. Accordingly, the parties desire to stay all proceedings in this action immediately so that they may devote their efforts toward settlement of this action and potentially save the Court time and resources.

12. The parties believe that the requested stay will not prejudice any party or result in a waste of judicial resources.

13. Should the Court grant this Motion and issues an order staying the proceedings, the parties further agree to file with the Court an update regarding settlement status within 90 days of entry of the Court's order unless the case has been settled and dismissed before that date.

14. Accordingly, for good cause, Plaintiffs and Defendants request that the Court approve the parties' stipulation and stay this action while the parties pursue settlement.

A proposed order is attached herewith.

[PROPOSED] ORDER RE: STIPULATED MOTION TO STAY PROCEEDINGS

Basis for Motion

THIS MATTER having come before the Court on the Stipulated Motion of Plaintiffs Gabriel Kortlever and Sy Eubanks, and Defendants Whatcom County, Washington and Whatcom County Sheriff's Office, by and through their counsel, to stay proceedings in this action while the parties engage in settlement efforts, the Court having considered the Stipulated Motion, and finding good cause therefore, it is hereby ORDERED that:

1. All proceedings and deadlines in this action are hereby stayed;

2. The parties shall file an update with the Court regarding that status of the parties' settlement negotiations within 90 days unless the case has been settled and dismissed by that date.

THE CLERK IS DIRECTED to remove the pending motions (Dkt ##2, 9) from the calendar.

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