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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM, et al.,

Defendants.

C21-0811 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants’ motion to substitute expert witness, docket no. 148, is GRANTED. A motion to substitute an expert witness “is properly analyzed under Federal Rule of Civil Procedure 16, which provides that a pretrial schedule ‘may be modified only for good cause and with the judge’s consent.’” *Jones v. Nat’l R.R. Passenger Corp.*, No. 15-cv-02726, 2022 WL 689000, at *2 (N.D. Cal. Feb. 23, 2022) (quoting Fed. R. Civ. P. 16(b)(4)). The Court concludes that good cause exists to permit defendants to substitute Brad LaPorte for Scott Kraemer. LaPorte’s opinions, however, shall be limited to those expressed in Kraemer’s June 12, 2023 Expert Report and June 23, 2023 deposition testimony. Plaintiff’s request for an award of costs and fees incurred because of the substitution of defendants’ expert witness is GRANTED in part, and plaintiff is AWARDED its reasonable attorneys’ fees for its preparation and attendance at Kraemer’s deposition. Plaintiff shall file within ten (10) days of the date of this Minute Order a declaration setting forth its reasonable attorneys’ fees. Having granted

1 defendants' motion to substitute expert witness, the Court amends the case schedule¹ as
2 follows:

3 Defendants' disclosure of Brad LaPorte's expert
report is due by August 28, 2023

4 Limited discovery regarding Brad LaPorte's
expert testimony must be completed by September 28, 2023

5 Plaintiff must file any motion related to Brad
6 LaPorte (e.g., Daubert motion) by October 12, 2023
7 and note the motion no later than the third
Friday thereafter (see LCR 7(d))

8 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
9 record.

10 Dated this 10th day of August, 2023.

11 Ravi Subramanian
12 Clerk

13 s/Laurie Cuaresma
14 Deputy Clerk

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22 ¹ All other deadlines contained in the Minute Order entered May 25, 2023, docket no. 139, shall
23 remain in full force and effect.