

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Fifteen Twenty-One Second Avenue Condominium Association v.
Viracon LLC, et al.

Fifteen Twenty-One Second Avenue · No. No. 23-cv-1999-BJR · Decided December 18, 2025

SUMMARY

The United States District Court for the Western District of Washington confirms a previously granted 90-day continuance of the pretrial and trial deadlines and denies further modification of the scheduling order. The court also declines to impose sanctions, re-notes all currently pending motions to December 15, 2025, and directs the parties to refrain from filing further motions until the court decides the cross-motions for summary judgment.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Barbara Jacobs Rothstein
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 18, 2025
DOCKET	No. 23-cv-1999-BJR
DISPOSITION	other
PROCEDURAL POSTURE	The court considered reconsideration of its order continuing the trial, twelve additional pending motions, and Plaintiff's request for sanctions and a shorter continuance.
STANDARD OF REVIEW	The court applied a good-cause standard to the requested continuance and scheduling-order modification; the opinion does not identify a separate formal standard of review.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- summary judgment
- sanctions
- motion for reconsideration

PRACTICE AREAS

- civil procedure
- commercial litigation
- construction law
- real estate

QUESTIONS PRESENTED

1. Whether good cause supported continuing the pretrial and trial deadlines for 90 days.
2. Whether the scheduling order should be modified again to shorten or otherwise alter the continuance.
3. Whether Defendants should be sanctioned for their handling of the continuance motion.
4. How the pending motions should be re-noted in light of the completed briefing.

HOLDINGS

1. Good cause supported continuing the trial and pretrial deadlines for 90 days because the court needed uninterrupted time to resolve the numerous pending motions and supplemental briefing.
2. The court declined to make any further modification to the scheduling order and left the order granting the 90-day continuance in effect.
3. Sanctions were unwarranted under the circumstances presented, so Plaintiff's request for sanctions was denied.

KEY QUOTATIONS

“The Court needs time, uninterrupted by further motions and supplemental briefing in this case, to consider and resolve the currently pending motions.” (at 2)

“Accordingly, the Court confirms its order granting a 90-day continuance of the trial, and the scheduling order issued at ECF No. 276 stands without further modification.” (at 2)

FACTUAL BACKGROUND

The case had twelve pending motions, including two cross-motions for summary judgment, six Daubert motions, and motions concerning sanctions or exclusions related to briefing. Supplemental briefing and additional filings delayed the court's ability to resolve the motions, with the briefing becoming fully ripe on December 15, 2025. Plaintiff did not dispute that the court needed time to resolve the myriad motions but opposed a 90-day continuance and sought sanctions against Defendants.

PROCEDURAL HISTORY

The court had previously granted Defendants' motion to continue the pretrial and trial deadlines for 90 days. Plaintiff opposed the continuance, sought to limit it to 45 days, and requested sanctions against Defendants. After reviewing the opposition, reply, record, and legal authorities, the court confirmed the 90-day continuance, denied sanctions, denied further modification of the scheduling order, and re-noted all pending motions.

DISPOSITION

other

CASES CITED

- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 592 n.10 (1993)

OPINION

1 The Honorable Barbara J. Rothstein 2 3 4 5 UNITED STATES DISTRICT COURT WESTERN
DISTRICT OF WASHINGTON 6 AT SEATTLE 7 NO. 23-cv-1999-BJR FIFTEEN TWENTY-
ONE SECOND AVENUE 8 CONDOMINIUM ASSOCIATION, ORDER RE PENDING
MOTIONS AND DENYING FURTHER 9 Plaintiff, MODIFICATION OF TRIAL
SCHEDULING ORDER 10 v. 11 VIRACON LLC, et al., 12 Defendants. 13 Currently pending
before the Court is reconsideration of the motion to continue trial and 14 twelve additional
motions, the most recent of which just became ripe for decision on December 15, 15 2025.

The Court previously granted the motion to continue, see ECF No. 276, but Plaintiff then 16 filed
a notice of opposition, ECF No. 277. The Court has now reviewed Plaintiff's opposition, ECF 17
No. 307, Defendants' reply, ECF No. 309, together with the record of this case and the relevant 18
legal authorities.

For the following reasons, the Court hereby confirms its order granting the 90-day 19 trial
continuance and denies further modification of the scheduling order. 20 21 22 23 ORDER RE
PENDING MOTIONS AND DENYING FURTHER MODIFICATION OF TRIAL 24
SCHEDULING ORDER 1 Of the twelve pending motions, two are cross-motions for summary
judgment, and six are 2 Daubert¹ motions.

The remaining motions seek sanctions or exclusions related to the briefing of 3 the parties' other
motions. Additionally, the parties filed supplemental briefs creating even more of 4 a moving
target and that caused further delay in the Court's ability to issue a decision on the parties' 5
motions.

The most recent filing on December 15, 2025 finally places the Court in a position to 6 review
fully ripe briefing. As such, the Court will re-note all pending motions to December 15, 7 2025. 8
Under these circumstances, the Court considered the Defendants' motion to continue the 9 trial
and found good cause for continuing the pretrial and trial deadlines. Indeed, Plaintiff does not 10
dispute that the Court needs time to resolve the "myriad of motions" (not all of which were filed
by 11 Defendants).

Pl.'s Opp'n to Continuance 1-2. Plaintiff requests that the continuance be limited to 12 no more
than 45 days, rather than 90 days, and asks the Court to sanction Defendants for their 13 handling
of the continuance motion. *Id.* at 4. 14 The Court finds that sanctions are unwarranted and declines
Plaintiff's request to sanction 15 Defendants under the circumstances presented.

Further, the Court finds no good cause for once 16 again modifying the scheduling order. The
Court needs time, uninterrupted by further motions and 17 supplemental briefing in this case, to
consider and resolve the currently pending motions. 18 Accordingly, the Court confirms its order

granting a 90-day continuance of the trial, and the 19 scheduling order issued at ECF No. 276 stands without further modification.

The Court warns the 20 parties that further continuances are unlikely. The Court orders the parties to refrain from filing any 21 22 1 Motions to exclude pursuant to Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 592 n.10 (1993). 23 ORDER RE PENDING MOTIONS AND DENYING FURTHER MODIFICATION OF TRIAL 24 SCHEDULING ORDER 1 further motions until after the Court has issued its decision on the cross-motions for summary 2 judgment (ECF Nos. 178, 186).

3 All currently pending motions as of this date, are hereby re-noted to December 15, 2025. 4 DATED this 18th day of December 2025. 5 A 6 B arbara Jacobs Rothstein United States District Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 ORDER RE PENDING MOTIONS AND DENYING FURTHER MODIFICATION OF TRIAL 24 SCHEDULING ORDER