

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.

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 it 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 review fully ripe briefing. As such, the Court will re-note all pending motions to December 15, 2025. Under these circumstances, the Court considered the Defendants' motion to continue the trial and found good cause for continuing the pretrial and trial deadlines. Indeed, Plaintiff does not 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 no more than 45 days, rather than 90 days, and asks the Court to sanction Defendants for their handling of the continuance motion. Id. at 4. The Court finds that sanctions are unwarranted and declines Plaintiff's request to sanction Defendants under the circumstances presented.

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

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

All currently pending motions as of this date, are hereby re-noted to December 15, 2025. DATED this 18th day of December 2025. Barbara Jacobs Rothstein United States District Judge ORDER RE PENDING MOTIONS AND DENYING FURTHER MODIFICATION OF TRIAL SCHEDULING ORDER