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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JENNIFER STRANGE, MAGAN MORRIS, on
10 behalf of themselves and all others similarly
11 situated,

11 Plaintiffs,

12 v.

13 LES SCHWAB TIRE CENTERS OF OREGON,
14 INC., et al.,

14 Defendants.

CASE NO. C06-045RSM

ORDER ON MOTION FOR SEPARATE
TRIALS

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16 EQUAL EMPLOYMENT OPPORTUNITY
17 COMMISSION,

18 Plaintiff,

19 v.

20 LES SCHWAB TIRE CENTERS OF
21 WASHINGTON, INC., et al.,

21 Defendants.

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23 This matter is now before the Court for consideration of defendants' motion for separate trials,
24 Dkt. # 204. Defendants contend that, in the event the Court grants defendants' motion for summary
25 judgment on plaintiff Equal Employment Opportunity Commission ("EEOC")'s promotion claims, the
26 matter should be set for separate trials on the claims of the two individuals (which include state law
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1 claims), and the EEOC's "pattern or practice" hiring claims. Dkt. # 204, p. 2. Plaintiffs, including both
2 the two individual plaintiffs and the EEOC, have opposed the motion, contending that it is speculative
3 as to the Court's ruling on the pending motions for partial summary judgment, and that it improperly
4 renews a motion to sever claims which the Court has already denied. Dkt. # 160.

5 The Court has granted one of the motions for partial summary judgment dismissing the EEOC's
6 promotion claims. The Court has also had an opportunity to review some of the evidence that will be
7 offered at trial, filed in support of and in opposition to the summary judgment motions. The Court now
8 finds that it is in the interest of justice, and will best avoid juror confusion, to grant the motion and
9 order separate trials. The Court further finds that defendants' motion does not improperly renew the
10 earlier, denied motion to sever claims. That motion was decided solely on the basis of defendants'
11 earlier joinder in consolidating the two cases. Dkt. # 160, p. 3. As noted, now that the Court has had the
12 opportunity to view some of the evidence and arguments that will be offered at trial, it finds that the best
13 approach is to try the plaintiffs' cases separately.

14 Accordingly, defendants' motion for separate trials (Dkt. # 204) is GRANTED. The two
15 individual plaintiffs, Jennifer Strange and Magan Morris, shall proceed to trial on their claims on the
16 **September 14, 2009** date now set for trial. The Pretrial Order shall be due on Tuesday, September 8,
17 2009. Counsel shall appear for a pretrial conference in chambers on Wednesday, September 9 at 2:00
18 p.m.. Proposed jury instructions, voir dire, trial briefs, and trial exhibits shall be due September 9 as
19 currently set.

20 Trial on the EEOC's hiring claim shall be continued to **November 2, 2009**. The Pretrial Order
21 shall be due October 23, 2009. Proposed jury instructions, voir dire, trial briefs, and trial exhibits shall
22 be due October 27, 2009. The pretrial conference shall be set at a later time.

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24 Dated this 3rd day of September, 2009.

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27 RICARDO S. MARTINEZ
28 UNITED STATES DISTRICT JUDGE