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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC., a Washington
corporation,

Plaintiff,

v.

KNITTING FEVER, INC., a New York
corporation, et al.,

Defendants.

CASE NO. C10-861RSM

ORDER ON MOTION FOR RELIEF
FROM DEADLINE TO JOIN
ADDITIONAL PARTIES

This matter is before the Court for consideration of plaintiff’s motion for relief from the
deadline to join additional parties. Dkt. # 304. After consideration of the motion and the
opposition, and the balance of the record, the Court denies the motion for reasons set forth
below.

DISCUSSION

On June 2, 2011, the Court issued a scheduling order for this case. Dkt. # 261. The dates
therein are based on the trial date of June 18, 2012. The order set a deadline for joinder of
parties of June 30, 2011. *Id.* On June 13, plaintiff Cascade Yarns, Inc, (“Cascade”) personally

1 served a deposition subpoena on Diane Elalouf at her residence in New York. Mrs. Elalouf has
2 previously been dismissed from this action for lack of personal jurisdiction. Plaintiff seeks to
3 depose her to determine if there are sufficient facts to support personal jurisdiction, and if so to
4 join her as a defendant. The deposition subpoena set a date of June 22, 2001 for the deposition
5 and production of documents.¹

6 Mrs. Elalouf has moved in the United States District Court for the Southern District of
7 New York to quash the subpoena, based in part on burden and inconvenience due to her ongoing
8 chemotherapy for leukemia. As of this date, there has been no ruling on the motion.

9 Plaintiff has presented only speculation as a basis for extending the time to join parties, as
10 to Mrs. Elalouf and any other potential defendants, such as unnamed shell corporations held by
11 defendant Sion Elalouf. This case has been pending for over a year, and is on the fourth
12 amended complaint. Plaintiff previously had an opportunity to ask for limited discovery to
13 uncover jurisdictional facts with respect to Mrs. Elalouf, and did not do so. *See*, Cascade's
14 Opposition to Motion to Dismiss for Lack of Personal Jurisdiction, Dkt. # 55. Plaintiff requested
15 an early trial date, as early as January, 2012, in the Joint Status Report. Dkt. # 236. The Court
16 instead set a more realistic date of June 18, 2012 and advised the parties that the date was firm.

17 _____
18 ¹ Plaintiff asserts that it served the Subpoena and Notice of Deposition for Mrs. Elalouf
19 on counsel on June 9, 2011, and began attempting personal service on that date. Motion for
20 Relief from Deadline, Dkt. # 304, p. 2, citing the Declaration of Robert Guite, Dkt. # 305,
21 Exhibit D. "Mrs. Elalouf's adult son, who resides in the same home, was personally served on
22 June 13. *Id.*, Exhibit E. He advised the process server that his mother was home but that she
23 **would not accept service.**" Motion for Relief from Deadline, Dkt. # 304, p. 2 (emphasis in
24 original). The Court notes that the cited exhibit, the deposition subpoena, does not bear any
marks by the process server indicating that it was either accepted or refused. Dkt. # 305, Exhibit
E. Mrs. Elalouf has moved to quash the deposition subpoena, as discussed above, but has not
contested the personal service. Declaration of Joshua Slavitt, Dkt. # 311-1, Exhibits A, B. It
appears that plaintiff's implied suggestion that Mrs. Elalouf is evading service is without merit.
See, Reply Declaration of Robert Guite, Exhibit A, p. 3-4 ("Mrs. Elalouf secreted herself in her
home and would not personally accept delivery of the subpoena and notice of deposition.")

1 Dkt. # 244. Extension of the time to join parties, which could then lead to a motion for leave to
2 file yet another amended complaint, would jeopardize the case schedule.

3 Plaintiff's motion to extend the deadline for joinder of additional parties is accordingly
4 DENIED.

5 Dated July 14, 2011.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE

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