

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:13-cv-02325-JLR**

Vargas Ramirez v. United States of America  
Assigned to: Judge James L. Robart  
Cause: 28:2671 Federal Tort Claims Act

Date Filed: 12/27/2013  
Date Terminated: 03/31/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Gustavo Vargas Ramirez**

represented by **Glenda Melinda Aldana Madrid**  
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V.

**Defendant**

**United States of America**

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 TERMINATED: 02/28/2014  
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Date Filed	#	Docket Text
12/27/2013	<u>1</u>	COMPLAINT against defendant(s) UNITED STATES (Receipt # 0981-3460400), filed by Gustavo Vargas Ramirez. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Adams, Matt) (Entered: 12/27/2013)
12/30/2013		<b>NOTICE to Filer: SIGNATURE IMPROPER:</b> The Complaint was improperly signed by Glenda Aldana Madrid. Pursuant to FRCP Rule 11 and LCR 5(d), signatures must comply with Section III(L) of the Electronic Filing Procedures, which states, "An electronically filed pleading or other document which requires an attorney's signature, must have the signors' name printed or typed on the line and under all signature lines." You do not have to re-file this document, but please be sure all future documents are properly signed. Thank you.(DJ) (Entered: 12/30/2013)
12/30/2013		Hon. Mary Alice Theiler added. (DJ) (Entered: 12/30/2013)
12/30/2013	<u>2</u>	Summons electronically issued as to defendant(s) United States of America. (DJ) (Entered: 12/30/2013)
12/30/2013	<u>3</u>	NOTICE OF INITIAL ASSIGNMENT TO A US MAGISTRATE JUDGE AND CONSENT OR DECLINE FORM. If consent or decline, return the executed form by 2/10/2014. <b>Please Note: Forms must <u>not</u> be electronically filed with the Court.</b> (DJ) (Entered: 12/30/2013)
01/06/2014	<u>4</u>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT. Joint Status Report due by 2/18/2014, FRCP 26f Conference Deadline is 2/3/2014, Initial Disclosure Deadline is 2/10/2014, by Hon. Mary Alice Theiler. (JT) (Entered: 01/06/2014)
01/29/2014	<u>5</u>	NOTICE of Appearance by attorney Rebecca Shapiro Cohen on behalf of Defendant United States of America. (Cohen, Rebecca) (Entered: 01/29/2014)
01/29/2014	<u>6</u>	STIPULATION AND PROPOSED ORDER <i>Extending Initial Deadlines</i> by parties. (Cohen, Rebecca) (Entered: 01/29/2014)
01/29/2014	<u>7</u>	AFFIDAVIT of Mailing of Summons and Complaint to U.S. Attorney's Office for the Western District of Washington, U.S. Attorney General, and Department of Homeland Security Office of the General Counsel on 1/2/2014, filed by Plaintiff Gustavo Vargas Ramirez. (Aldana Madrid, Glenda) (Entered: 01/29/2014)
02/03/2014	<u>8</u>	MINUTE ORDER REASSIGNING CASE by William M. McCool. Case reassigned to Judge James L. Robart for all further proceedings. Hon. Mary Alice Theiler no longer assigned to case. Cc to JLR. (JT) (Entered: 02/03/2014)
02/04/2014	<u>9</u>	STIPULATION AND ORDER re <u>6</u> Stipulation extending Initial deadlines filed by United States of America. FRCP 26f Conference Deadline is 2/18/2014, Initial Disclosure Deadline is 2/24/2014, Joint Status Report due by 3/4/2014, by Judge James L. Robart. (MD) (Entered: 02/05/2014)
02/28/2014	<u>10</u>	NOTICE of Appearance by attorney Kristin Berger Johnson on behalf of Defendant United States of America. (Johnson, Kristin) (Entered: 02/28/2014)
02/28/2014	<u>11</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Rebecca Shapiro Cohen for Defendant United States of America. (Johnson, Kristin) (Entered: 02/28/2014)
02/28/2014	<u>12</u>	JOINT STATUS REPORT signed by all parties estimated Trial Days: 2-4. Filed by Defendant United States of America.(Johnson, Kristin) (Entered: 02/28/2014)
02/28/2014	<u>13</u>	MINUTE ORDER SETTING TRIAL DATE AND RELATED DATES, AND DESIGNATING CASE FOR MEDIATION; Length of Trial: *3 days*. Mediation shall be completed no later than thirty (30) days prior to the trial date. Bench Trial is set for 4/6/2015 at 01:30 PM in Courtroom 14106 before Judge James L. Robart.

		Joinder of Parties due by 5/1/2014, Amended Pleadings due by 10/8/2014, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 10/8/2014, Motions due by 11/7/2014, Discovery completed by 12/8/2014, Dispositive motions due by 1/6/2015, Settlement conference to be held by 2/5/2015, 39.1 mediation to be completed by 3/9/2015, Motions in Limine due by 2/23/2015, Pretrial Order due by 3/18/2015, Pretrial Conference set for 3/23/2015 at 02:00 PM in Courtroom 14106 before Judge James L. Robart. Trial briefs to be submitted by 3/30/2015, Proposed Findings of Fact and Conclusions of Law to be submitted by 3/30/2015, by Judge James L. Robart. (CC) (Entered: 02/28/2014)
03/10/2014	<u>14</u>	ANSWER to <u>1</u> Complaint by United States of America.(Johnson, Kristin) (Entered: 03/10/2014)
05/29/2014	<u>15</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> by Defendant United States of America. (Attachments: # <u>1</u> Exhibit A) Noting Date 6/20/2014, (Johnson, Kristin) (Entered: 05/29/2014)
05/29/2014	<u>16</u>	DECLARATION of Russell Wynn filed by Defendant United States of America re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> (Johnson, Kristin) (Entered: 05/29/2014)
05/29/2014	<u>17</u>	DECLARATION of John M. Orr filed by Defendant United States of America re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> (Johnson, Kristin) (Entered: 05/29/2014)
05/30/2014	<u>18</u>	PROPOSED ORDER (Unsigned) re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> (Johnson, Kristin) (Entered: 05/30/2014)
06/16/2014	<u>19</u>	RESPONSE, by Plaintiff Gustavo Vargas Ramirez, to <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> . Oral Argument Requested. (Adams, Matt) (Entered: 06/16/2014)
06/17/2014	<u>20</u>	NOTICE of Compliance <i>Certificate of Service</i> re <u>19</u> Response to Motion, by Plaintiff Gustavo Vargas Ramirez. (Adams, Matt) (Entered: 06/17/2014)
06/20/2014	<u>21</u>	REPLY, filed by Defendant United States of America, TO RESPONSE to <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> (Johnson, Kristin) (Entered: 06/20/2014)
06/23/2014	<u>22</u>	NOTICE OF INTENT TO FILE A SURREPLY TO DEFENDANTS REPLY ; filed by Plaintiff Gustavo Vargas Ramirez. (Aldana Madrid, Glenda) (Entered: 06/23/2014)
06/25/2014	<u>23</u>	SURREPLY filed by Plaintiff Gustavo Vargas Ramirez re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> (Adams, Matt) (Entered: 06/25/2014)
07/11/2014	<u>24</u>	MINUTE ORDER Setting Hearing on govt's <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>AND/OR SUMMARY JUDGMENT</i> : Motion Hearing set for 7/18/2014 at 10:00 AM by Judge James L. Robart. (RS) (Entered: 07/11/2014)
07/18/2014	25	MINUTE ENTRY for proceedings held before Judge James L. Robart– Dep Clerk: Casey Condon; Pla Counsel: Matt Adams, Glenda Madrid, Elizabeth Hawkins; Def Counsel: Kristin Johnson; CR: Kari McGrath; <b>Motion Hearing</b> held on 7/18/2014. The court hears from counsel re: the Motion to Dismiss, Dkt. #15. The court takes the matter under advisement.(CC) (Entered: 07/18/2014)
07/23/2014	<u>26</u>	ORDER Denying United States' <u>15</u> Motion to Dismiss for Failure to State a Claim by Judge James L. Robart.(LMK) (Entered: 07/23/2014)
09/09/2014	<u>27</u>	STIPULATION <i>Protective Order</i> by parties (Aldana Madrid, Glenda) (Entered: 09/09/2014)
09/10/2014	<u>28</u>	ORDER – Court Denies re <u>27</u> Stipulation for entry of their agreed protective order filed by Gustavo Vargas Ramirez, by Judge James L. Robart. (MD) (Entered: 09/11/2014)

09/11/2014	<u>29</u>	STIPULATION AND PROPOSED ORDER ( <i>Proposed Stipulated Protective Order</i> ) by parties (Attachments: # <u>1</u> Exhibit Redline Version of Proposed Stipulated Protective Order)(Aldana Madrid, Glenda) (Entered: 09/11/2014)
09/11/2014	<u>30</u>	STIPULATED PROTECTIVE ORDER by Judge James L. Robart. (MD) (Entered: 09/11/2014)
10/06/2014	<u>31</u>	STIPULATION AND PROPOSED ORDER <i>EXTENDING DEADLINES</i> by parties (Johnson, Kristin) (Entered: 10/06/2014)
10/08/2014	<u>32</u>	STIPULATION AND ORDER re <u>31</u> Stipulation and order extending deadlines filed by United States of America. Discovery completed by 1/8/2015, Dispositive motions due by 1/15/2015, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 11/8/2014, by Judge James L. Robart. (MD) (Entered: 10/08/2014)
01/15/2015	<u>34</u>	MOTION FILED UNDER SEAL PER PROTECTIVE ORDER– MOTION for Summary Judgment by Defendant United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> FILED UNDER SEAL PER PROTECTIVE ORDER Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Proposed Order) Noting Date 2/6/2015, (Johnson, Kristin) Modified on 1/26/2015 – USA called and stated that the motion and exhibit E to be sealed per Protective Order. The other exhibits are not sealed(MD). (Entered: 01/15/2015)
01/15/2015	<u>35</u>	MOTION for Partial Summary Judgment by Plaintiff Gustavo Vargas Ramirez. Oral Argument Requested. (Attachments: # <u>1</u> Proposed Order) Noting Date 2/6/2015, (Adams, Matt) (Entered: 01/15/2015)
01/15/2015	<u>36</u>	DECLARATION of Glenda M. Aldana Madrid filed by Plaintiff Gustavo Vargas Ramirez re <u>35</u> MOTION for Partial Summary Judgment (Attachments: # <u>1</u> Exhibit)(Adams, Matt) (Entered: 01/15/2015)
01/26/2015	<u>37</u>	REDACTION to <u>34</u> MOTION for Summary Judgment by Defendant United States of America (Attachments: # <u>1</u> Exhibit E (Redacted))(Johnson, Kristin) (Entered: 01/26/2015)
02/02/2015	<u>38</u>	RESPONSE, by Defendant United States of America, to <u>35</u> MOTION for Partial Summary Judgment . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Johnson, Kristin) (Entered: 02/02/2015)
02/02/2015	<u>39</u>	RESPONSE, by Plaintiff Gustavo Vargas Ramirez, to <u>34</u> MOTION for Summary Judgment . (Aldana Madrid, Glenda) (Entered: 02/02/2015)
02/06/2015	<u>40</u>	REPLY, filed by Defendant United States of America, TO RESPONSE to <u>34</u> MOTION for Summary Judgment (Johnson, Kristin) (Entered: 02/06/2015)
02/06/2015	<u>41</u>	REPLY, filed by Plaintiff Gustavo Vargas Ramirez, TO RESPONSE to <u>35</u> MOTION for Partial Summary Judgment (Adams, Matt) (Entered: 02/06/2015)
03/10/2015		Set/Reset Hearings: Oral argument on the pending motions, (Dkt. ##34,35), is scheduled Wednesday, March 18, 2015 at 4:00 p.m. before Judge James L. Robart. (CC) (Entered: 03/10/2015)
03/17/2015		Set/Reset Hearings: Oral argument scheduled Wednesday, March 18, 2015 at 4:00 p.m. is rescheduled for 2:00 p.m.(CC) (Entered: 03/17/2015)
03/17/2015		Set/Reset Hearings: Pretrial Conference scheduled Monday, March 23, 2015 at 2:00 p.m. is rescheduled for 10:30 a.m. before Judge James L. Robart. (CC) (Entered: 03/17/2015)
03/18/2015	42	MINUTE ENTRY for proceedings held before Judge James L. Robart– Dep Clerk: <i>Casey Condon</i> ; Pla Counsel: <i>Glenda Madrid</i> ; Def Counsel: <i>Kristin Johnson</i> ; CR: <i>Nickie Drury</i> ; <b>Motion Hearing</b> held on 3/18/2015. The court hears argument from counsel on the pending motions. The court will allow counsel for plaintiff to submit a motion to seal and the unredacted motion for partial summary judgment. (CC) (Entered: 03/18/2015)
03/19/2015	43	NOTICE of Stricken Hearing – The Pretrial Conference scheduled Monday, March 23, 2015 is stricken. (CC) (Entered: 03/19/2015)

03/19/2015	<u>44</u>	MOTION for Partial Summary Judgment by Plaintiff Gustavo Vargas Ramirez. Oral Argument Requested. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order) Noting Date 2/6/2015, (Aldana Madrid, Glenda) (Entered: 03/19/2015)
03/23/2015	<u>45</u>	ORDER REGARDING EVIDENTIARY HEARING: Evidentiary Hearing set for 4/6/2015 at 11:00 AM before Judge James L. Robart. Parties shall exchange witness and exhibits lists by 3/27/2015, Proposed Findings of Fact and Conclusions of Law to be submitted by 4/2/2015, by Judge James L. Robart. (MD) (Entered: 03/23/2015)
03/23/2015	<u>46</u>	ORDER ON CROSS MOTIONS FOR SUMMARY JUDGMENT – granting in part and denying in part <u>34</u> United States' Motion for Summary Judgment; striking <u>35</u> Redacted version of Mr. Vargas' Motion for Partial Summary Judgment; granting in part and denying in part <u>44</u> Mr. Vargas' Motion for Partial Summary Judgment by Judge James L. Robart.(MD) (Entered: 03/23/2015)
03/31/2015	<u>47</u>	ORDER OF DISMISSAL: Counsel having notified the Court of settlement of this case, and it appearing that no issue remains for the Court's determination, IT IS ORDERED that this action and all claims asserted herein are DISMISSED with prejudice and without costs to any party. In the event that settlement is not perfected, any party may move to reopen the case within 60 days of the date of this order. Any trial date and pretrial dates previously set are hereby VACATED. Signed by Judge James L. Robart. (CC) (Entered: 03/31/2015)