



99-CV-01227-CLM

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KHALIL NOURI, *et al.*,

Plaintiffs,

v.

THE BOEING COMPANY,

Defendant.

No. C99-1227L

ORDER BIFURCATING TRIAL

This matter comes before the Court on "Plaintiffs' Motion to Bifurcate Trial." The parties generally agree that a jury trial regarding class-wide liability issues should precede the determination of individual damages in the above-captioned matter. Motion at p.2, ll. 8-9; Opposition at p.4, ll. 17-21. Having considered the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

(1) Boeing's liability to the class and the compensatory damages of the named plaintiffs will be determined in a jury trial starting at 9:00 a.m. on Monday, April 26, 2004. The same jury will also determine the amount, if any, of punitive damages to be awarded.

(2) If liability is found, the Court will award back pay and determine whether injunctive and/or declaratory relief is appropriate. This process may require additional briefing from the parties.

(3) Plaintiffs shall send notice to the absent class members regarding the outcome of the

ORDER BIFURCATING TRIAL

1 liability phase and their right to claim compensatory damages.

2 (4) If the parties cannot agree on an alternative means to determine compensatory
3 damages for the absent class members, the Court will schedule damage trials as necessary and
4 appropriate to make such determinations.

5 (5) If, after all compensatory damage claims have been decided, the punitive damage
6 award appears constitutionally defective, the Court may entertain a petition for remittitur or a
7 motion for new trial on that issue. If, however, the punitive damage award is reasonably related
8 to the harm that was caused by defendant's conduct or was likely to result from that conduct, the
9 lump sum awarded by the first jury will be allocated to class members who were able to prove
10 injury.

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12 For all of the foregoing reasons, plaintiff's motion to bifurcate is GRANTED.

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15 DATED this 24th day of March, 2004.

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18 Robert S. Lasnik
19 United States District Judge
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