

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AJAXO, INC., a Delaware Corporation; K.C. MULTIMEDIA, INC., a Delaware Corporation,
Plaintiffs,
v.
BANK OF AMERICA TECHNOLOGY AND OPERATIONS, INC., a Delaware Corporation; BANK OF AMERICA CORPORATION, a Delaware Corporation; BANK OF AMERICA NATIONAL ASSOCIATION; and ALLEN TAM, an individual,
Defendants.

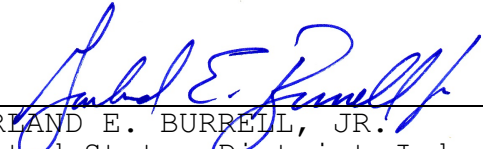
2:07-cv-00945-GEB-GGH
ORDER¹

Defendants move to continue or stay the trial scheduled to commence on March 9, 2009, until final judgment is entered in a related state trade secret action. Since the motion concerns pending copyright claims within the Court's exclusive federal jurisdiction, the motion is denied. See Minucci v. Agrama, 868 F.2d 1113, 1115 (9th Cir. 1989) (reversing district court's decision to stay a copyright action and holding "a district court has no discretion to stay

¹ This matter was determined to be suitable for decision without oral argument. L.R. 78-230(h).

1 proceedings as to claims within exclusive federal jurisdiction"). See
2 also Legal Economic Evaluations v. Metropolitan Life Ins. Co., 39 F.3d
3 951, 956 (9th Cir. 1994) (holding "binding Ninth Circuit precedent []
4 precludes Colorado River abstention where federal jurisdiction is
5 exclusive").

6 Dated: February 3, 2009

7
8 
9 _____
GARLAND E. BURRELL, JR.
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28