

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

THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAMES S. GORDON, Jr., a married individual, d/b/a 'GORDONWORKS.COM'; OMNI INNOVATIONS, LLC., a Washington limited liability company,

Plaintiffs,

v.

VIRTUMUNDO, INC, a Delaware corporation d/b/a ADKNOWLEDGEMAIL.COM; ADKNOWLEDGE, INC., a Delaware corporation, d/b/a ADKNOWLEDGEMAIL.COM; SCOTT LYNN, an individual; and JOHN DOES, 1-X,

Defendants.

NO. CV06-0204JCC

ORDER [PROPOSED]

THIS MATTER has come before the Court on Defendants' motion to exclude testimony or compel Plaintiffs James S. Gordon, Jr. ("Gordon") and Omni Innovations, LLC ("Omni") (together, "Plaintiffs") to provide Defendants with an opportunity to depose the seven (7) new witnesses Plaintiffs disclosed in connection with Plaintiffs' Motion for Partial Summary Judgment (Dkt. #53). Having reviewed Defendants' motion, as well as supporting documents, and the submissions of Plaintiffs in opposition thereto, the Court hereby rules as follows:

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

The Court hereby GRANTS Defendants’ Motion to Compel or Exclude.

The Court hereby strikes the testimony from the summary judgment proceedings and excludes Anthony Potts, Bonnie Gordon, Emily Abbey, Jamila Gordon, Jay Gordon, Jonathan Gordon, and Russell Flye (collectively, the “Late-Disclosed Witnesses”) from testifying at trial.

In the alternative, within ten (10) days of the date this order is signed, Plaintiffs are ORDERED to provide Defendants’ counsel with contact information and potential dates, places and times for depositions of each of the Late-Disclosed Witnesses. Plaintiffs are further ORDERED to use their best efforts to facilitate the attendance of all Late-Disclosed Witnesses at their scheduled depositions.

DATED this _____ day of _____, 2007.

HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE