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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMNI INNOVATIONS, LLC, a Washington
Limited Liability company; EMILY ABBEY,
an individual,

Plaintiffs,

v.

ASCENTIVE, LLC, a Delaware limited
liability company; ADAM SCHRAN,
individually and as part of his marital
community; JOHN DOES, I-X,

Defendants.

C06-1284Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The Court DENIES Defendants' Motion for Reconsideration of the Order Disqualifying Counsel Floyd E. Ivey, docket no. 32. The Court provides some clarification of its Order regarding Mr. Ivey's alleged Manifest Error Number 1. In support of the motion to disqualify, Mr. Gordon stated in his declaration: "In 2002, I retained the legal services of Floyd E. Ivey to assist me in drafting contracts for Omni among other matters." Gordon Decl., docket no. 4, ¶ 2. Mr. Ivey's declaration in response to the motion to disqualify does not directly contest that he provided such services; rather, his declaration merely asserts that he has no written record of such services. Ivey Decl., docket no. 15, at 2. Mr. Ivey does admit that he has "had, in years past, minimal contact with Mr. Gordon." *Id.* In reply, Mr. Gordon submitted invoices from Mr. Ivey's firm to Mr. Gordon, showing that Mr. Ivey provided legal services to Mr. Gordon, at a minimum, on August 11, 2000, and May 3, 2002. Gordon Decl. in Reply, docket no. 21, Ex. A. Mr. Gordon states in a supplemental declaration: "As I stated in my initial declaration, in 2000, I retained the legal services of Floyd E. Ivey to assist me in drafting contracts for Omni among other matters. Mr. Ivey's firm invoiced me, and I paid them." *Id.* ¶ 2. It was not manifest error for the Court to

MINUTE ORDER 1-

EXHIBIT 10 to Second Amended
Petition for writ of Mandamus

1 conclude that “in 2002, Mr. Gordon retained the legal services of Mr. Ivey to assist him in
2 drafting contracts for Omni.” Order, docket no. 30, at 2.

3 (2) The Court GRANTS Defendants’ Petition for Stay, docket no. 35. The Court
4 STAYS these proceedings until January 29, 2007, by which time Defendants will have had
an opportunity to file a Writ of Mandamus. The deadlines set in the Court’s Minute Order of
December 1, 2006, docket no. 31, are hereby stayed.

5 (3) The Court ORDERS Defendants to file a status report by Monday, January 29,
6 2007.

7 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

8 Filed and entered this 20th day of December, 2006.

9 BRUCE RIFKIN, Clerk

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11 By s/ Claudia Hawney
12 Claudia Hawney
13 Deputy Clerk
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