

The Honorable Thomas S. Zilly

**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.

No. 06-CV-01284 TSZ

**PROPOSED FED. R. CIV. P. 26(f)
JOINT STATUS REPORT**

Counsel for all parties herein conferred telephonically on April 4, 2007 pursuant to
FED. R. CIV. P. 26(f) and now together hereby submit this Joint Status Report.

1. A statement of the nature and complexity of the case.

Plaintiffs' complaint seeks redress for what they allege to be the unlawful
initiation and transmission of electronic mail under 15 USC 7701 *et seq.*, and RCW
19.190 *et seq.* Defendants deny the claims.

2. A statement of which ADR method (mediation, arbitration, or other) should be used.

The parties do not believe this case would benefit from court ordered mediation.

3. Unless all parties agree that there should be no ADR, a statement of when mediation or another ADR proceeding under Local Rule CR 39.1 should take

1 place.

2 See #2 above

3
4 **4. A proposed deadline for joining additional parties.**

5 May 30, 2007.

6 **5. A proposed discovery plan.**

7 **A. Rule 26(f) Conference:** A telephonic discovery conference between the
8 parties took place on April 4, 2007. The parties have exchanged their Fed. R. Civ.
9 P. 26(a) initial disclosures.

10 **B. Protective Order.** The parties shall submit a proposed stipulated
11 protective order.

12 **C. Electronic Exchange of Documents:** The expense of discovery can be
13 minimized by agreement of all parties to cooperate to exchange document
14 electronically whenever possible. The parties agree that each responding party
15 will Bates stamp all paper and PDF documents produced. The parties further
16 agree they will accept e-mail service of all documents, including service of
17 propounding discovery and discovery responses, and any other documents
18 required to be served (e.g., service of papers filed under seal). E-mail service on
19 Plaintiffs will be valid upon delivery to <bob@ijusticelaw.com>. E-mail service
20 on Defendants will be valid upon delivery to all of <derek@newmanlaw.com>,
21 <roger@newmanlaw.com>, and <diana@newmanlaw.com>.

22 **D. Duplicative Production:** Defendants request the Court order the parties
23 not to produce any duplicate documents in response to discovery requests.
24 Plaintiffs do not agree to this request, but Plaintiffs would agree to an order
25 requiring the parties to use best efforts to avoid duplicative production.

26 **E. Discovery Cutoff:** The parties request a discovery cutoff of April 1, 2008.

27 **F. Filing deadline for Discovery Motions:** The parties request a filing
28 deadline for motions to compel of April 1, 2008. In the event the Court grants a

1 discovery motion after the discovery cutoff, then the parties would conduct further
2 discovery limited to the relief provided in such an order.

3 **G. Dispositive Motions:** The parties request a dispositive motion filing
4 deadline of 1, 2008.

5 **6. Whether the parties agree that a full-time magistrate judge may conduct all**
6 **proceedings, including trial and the entry of judgment, under 28 U.S.C. §**
7 **636(c) and Local Rule MJR 13.**

8 The parties are not amenable to a full-time Magistrate Judge to conduct all
9 proceedings.

10 **7. Whether the case should be bifurcated by trying the liability issues before the**
11 **damages issues, or bifurcated in any other way.**

12 The parties agree this matter should not be bifurcated.

13 **8. Whether the pretrial statements and pretrial order called for by Local Rules**
14 **CR 16(e), (h), (i), and (l) and 16.1 should be dispensed with in whole or in part**
15 **for the sake of economy.**

16 The parties do not believe that pretrial statements and a pretrial order should be
17 dispensed with in whole or in part for the sake of economy.

18 **9. The date the case will be ready for trial.**

19 The parties request that trial be scheduled for a date at least five (5) months after
20 the deadline for dispositive motions so that the Court may have ample opportunity to rule
21 before the parties begin trial preparation, which may unnecessarily include claims that
22 may be disposed of by motion. The parties propose a trial date of September 1, 2008.

23 **10. Whether the trial will be jury or non-jury.**

24 Neither party has made a jury demand, but all parties reserve the right to do so on
25 or before the deadline provided by the Federal Rules of Civil Procedure.

26 **11. The number of trial days required.**

27 The parties anticipate that the case can be tried in five (5) days.
28

12. **The names, addresses, and telephone numbers of all trial counsel.**

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13. **If on the due date of the Report, all defendants or respondents have not been served, counsel for the plaintiffs shall advise the Court when service will be effected, why it was not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference and FRCP 26(a) initial disclosures.**

The parties agree that all named defendants have been served.

14. **Whether any party wishes a scheduling conference prior to a scheduling order being entered in the case.**

The parties agree that a further scheduling conference, prior to a scheduling order being entered in this case, is not currently necessary.

DATED this 6th day of April, 2007

i.Justice Law, P.C.

Newman & Newman
Attorneys at Law LLP

/s/ Robert J. Siegel with
authorization



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