

The Honorable John C. Coughenour

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 OMNI INNOVATIONS, LLC, a
12 Washington limited liability company;
13 JAMES S. GORDON, JR., a married
14 individual,

15 Plaintiffs,

16 v.

17 BMG COLUMBIA HOUSE, INC., a New
18 York corporation; and JOHN DOES, 1-X,

19 Defendants.

NO. 06-cv-01350-JCC

**REPLY IN SUPPORT OF
DEFENDANT BMG'S MOTION TO
STAY THIS LITIGATION**

NOTE ON MOTION CALENDAR:
May 25, 2007

20 Defendant BMG Columbia House, Inc. ("BMG") moved to stay this lawsuit
21 pending resolution of another lawsuit brought by Plaintiffs James S. Gordon, Jr.
22 ("Gordon") and Omni Innovations, LLC ("Omni") alleging precisely the same claims
23 before this Court. Gordon et al. v. Virtumundo et al., Case No. CV06-0204-JCC,
24 W.D.Wash. (Coughenour, J.) ("Virtumundo"). This Court recently granted Defendants'
25 motion for summary judgment in Virtumundo and requested further briefing on awarding
26 Defendants' attorneys' fees and for entry of a final judgment. Virtumundo at Dkt. # 121.

27 Gordon's opposition to the instant motion to stay was due on or before May 21,
28 2007. LR 7(d). No opposition was filed. Accordingly, BMG's motion is unopposed and
should be granted. LR 7(b)(2) (providing, "If a party fails to file papers in opposition to a
motion, such failure may be considered by the court as an admission that the motion has

REPLY RE DEF. BMG'S MOTION TO STAY - 1
[06-cv-01350-JCC]

NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP


505 Fifth Ave. S., Ste. 610
Seattle, Washington 98104
(206) 274-2800

1 merit.”)

2 DATED this 25th day of May, 2007.

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

**NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP**

BY: 

Roger M. Townsend, No. 25525
Derek A. Newman, WSBA No. 26967

-and-

**HANLY CONROY BIERNSTEIN
SHERIDAN FISHER & HAYES LLP**

BY: /s/ Steven M. Hayes

Steven M. Hayes

Attorneys for BMG COLUMBIA
HOUSE, INC.