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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON, SEATTLE

**OMNI INNOVATIONS, LLC, a  
Washington Limited Liability  
company; and JAMES S. GORDON,  
JR., a married individual,**

**Plaintiffs,**

v.

**BMG COLUMBIA HOUSE, INC., a  
New York corporation; STUART  
GOLDFARB and JANE DOE  
GOLDFARB, individually and as part  
of their marital community; and  
JOHN DOES, I-X,**

**Defendants,**

**NO. CV6-1350 JCC**

**FRCP 26(F)  
JOINT STATUS REPORT**

Counsel for all parties herein conferred telephonically on March 13, 2007 pursuant to  
FRCP 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.

JOINT STATUS REPORT -1

**i.Justice Law, P.C.  
1325 Fourth Ave., Suite 940  
Seattle, WA 98101  
Phone: 206-304-5400  
Fax: 206-624-0717**

1 2. **Filing of Amended Complaint.** The parties agree that Plaintiffs will file a second  
2 amended complaint that does not name Stuart Goldfarb, Jane Doe Goldfarb, Nicholas  
3 Firth, or Jane Doe Firth as defendants. Plaintiffs reserve the right to move to amend their  
4 pleading later to name the Goldfarbs if Plaintiffs discover evidence leading to the  
5 conclusion that the Goldfarbs are personally liable.

6 3. **A statement of which ADR method (mediation, arbitration, or other) should be**  
7 **used.**

8 Mediation.

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

11 On or before October 15, 2007.

12 5. **A proposed deadline for joining additional parties.**

13 May 30, 2007

14 6. **A proposed discovery plan.**

15 **A. Rule 26(f) Conference:** A telephonic discovery conference between the parties took place  
16 on **March 13, 2007**. The parties will exchange initial disclosures no later than **April 13,**  
17 **2007**.

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

1 <doug@mckinleylaw.com>. E-mail service on Defendants will be valid upon delivery to all  
2 of <shayes@hanlyconroy.com>, <roger@newmanlaw.com>, and  
3 <diana@newmanlaw.com>.

4 **C. Duplicative Production.** Defendants request the Court order the parties not to produce any  
5 duplicate documents in response to discovery requests. Plaintiffs do not agree to this request,  
6 but Plaintiffs would agree to an order requiring the parties to use best efforts to avoid  
7 duplicative production.

8 **D. Discovery Cutoff:** The parties request a discovery cutoff of **January 31, 2008.**

9 **E. Filing deadline for Discovery Motions:** The parties request a filing deadline for motions to  
10 compel of **January 31, 2008.** In the event the Court grants a discovery motion after the  
11 discovery cutoff, then the parties would conduct further discovery limited to the relief  
12 provided in such an order.

13 **F. Dispositive Motions:** The parties request a dispositive motion filing deadline of  
14 **February 28, 2008.**

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

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

19 **8. Whether the case should be bifurcated by trying the liability issues before the**  
20 **damages issues, or bifurcated in any other way.**

21 The parties agree this matter should not be bifurcated.

22 **9. Whether the pretrial statements and pretrial order called for by Local Rules CR**  
23 **16(e), (h), (i), and (l) and 16.1 should be dispensed with in whole or in part for the**  
24 **sake of economy.**

1 The parties agree to postpone the decision as to whether the pretrial statements and pretrial order  
2 should be dispensed with in whole or in part for the sake of economy. Upon completion of  
3 discovery, the parties would likely be in a better position to decide this matter.

4 **10. The date the case will be ready for trial.**

5 The parties request that trial be scheduled for a date at least five months after the deadline for  
6 dispositive motions so that the Court may have ample opportunity to rule before the parties begin  
7 trial preparation, which may unnecessarily include claims that may be disposed of by motion.

8 The parties propose a trial date of **July 30, 2008**.

9 **11. Whether the trial will be jury or non-jury.**

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

12 **12. The number of trial days required.**

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

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

15 For Plaintiffs:

16 Robert J. Siegel, WSBA 17312  
17 Douglas E. McKinley, Jr.  
18 i.Justice Law, P.C.  
19 1325 Fourth Avenue, Suite 940  
20 Seattle, WA 98101  
21 206-304-5400

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22 Steven M. Hayes  
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4 **14. If on the due date of the Report, all defendants or respondents have not been served,**  
5 **counsel for the plaintiffs shall advise the Court when service will be effected, why it**  
6 **was not made earlier, and shall provide a proposed schedule for the required FRCP**  
7 **26(f) conference and FRCP 26(a) initial disclosures.**

8 The parties agree that all named defendants have been served.

9  
10 **15. Whether any party wishes a scheduling conference prior to a scheduling order being**  
11 **entered in the case.**

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

14  
15 i.Justice Law, P.C.

DATED this \_\_\_\_\_ day of March, 2007  
Newman & Newman, Attorneys at Law LLP

16  
17 By: /s/ Robert J. Siegel  
18 Robert J. Siegel  
WSBA# 17312  
19 Attorney for Plaintiff

By: /s/ Roger M. Townsend  
Roger M. Townsend, WSBA 25525  
Attorney for Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Roger M. Townsend, and Derek Newman of Newman & Newman, Attorneys at Law LLP; Steven M. Hayes of Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP;

**i.JUSTICE LAW, P.C.**

BY: /s/ ROBERT J. SIEGEL  
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