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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, SEATTLE

**OMNI INNOVATIONS, LLC, a
Washington Limited Liability
company,**

NO. 06-1469

Plaintiff,

**PLAINTIFF’S RESPONSE TO
MOTION TO DISMISS**

v.

**IMPULSE MARKETING GROUP,
INC, a Nevada/Georgia corporation;
JEFFREY GOLDSTEIN, individually
and as part of his marital community;
KENNETH ADAMSON, individually
and as part of his marital community;
GREGORY GREENSTEIN,
individually and as part of his marital
community; STEVE WADLEY,
individually and as part of his marital
community; JOHN DOES, I-X,**

Defendants,

The court should deny the Defendant’s motion to dismiss. The Defendant’s motion is premised on the Plaintiff’s failure to file an amended complaint pursuant to the Court’s order of July 18, 2007. However, Plaintiff has now filed its Second Amended Complaint (“SAC”), including a

PLAINTIFF’S RESPONSE TO MOTION TO DISMISS

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1 “more definite statement” as required by the Court’s July 18, 2007 order. As such, the factual
2 basis for the Defendant’s motion is no longer operative, and the Defendant’s motion is moot.

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4 The undersigned requests the Court’s indulgence in accepting the late filing of the SAC. As is
5 amply documented in the Court’s docket, just a few days prior to the deadline for filing the SAC,
6 the undersigned was constructively terminated by Plaintiff, and were left with no reasonable
7 choice but to immediately move to withdraw as counsel for Plaintiff. The Court granted
8 counsel’s motion on September 10, 2007, and this withdrawal becomes effective in a mere ten
9 days, on October 11, 2007. In the intervening time period, despite these extraordinary
10 circumstances, the undersigned has been able to work with the Plaintiff to see that the Court’s
11 order was complied with and to file the SAC. The filing of the SAC is necessary to preserve
12 Plaintiff’s rights, and also to allow the undersigned to withdraw pursuant to the Court’s Order of
13 September 10, 2007 and remain in compliance with counsel’s ethical obligations to Plaintiff and
14 the Court.

15
16 The undersigned notes that while the SAC was filed late, the Defendants suffered no prejudice
17 whatsoever as a result. The procedural and substantive posture of the case would be identical to
18 the current status quo had the Plaintiff filed the SAC in a timely manner. Finally, Plaintiff’s
19 filing of the SAC renders the factual basis for the Defendant’s motion moot.

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21 Accordingly, Plaintiff respectfully requests that the Court deny Defendant’s motion to dismiss.
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25 PLAINTIFF’S RESPONSE TO MOTION TO DISMISS

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RESPECTFULLY SUBMITTED this 1st day of October, 2007.

i.JUSTICE LAW, P.C.

DOUGLAS E. MCKINLEY, JR

Attorney at Law

/S/ Robert J. Siegel

/S/ Douglas E. McKinley, Jr.

Robert J. Siegel, WSBA #17312

Douglas E. McKinley, Jr., WSBA#20806

Attorney for Plaintiffs

Attorney for Plaintiffs

Certificate of Service

I, hereby, certify that on October 1, 2007, I filed the subjoined pleading with this Court via approved ECMF electronic filing, that electronically serves all counsel of record for Defendants:

/s/ Robert J. Siegel

Robert J. Siegel