

The Honorable Ricardo S. Martinez

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07-CV-01620-M

FILED ENTERED
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OCT 10 2007 DB
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

10 CITY OF SEATTLE, a first-class charter city,)
11 Plaintiff,) No. C07-1620RSM
12 v.)
13 THE PROFESSIONAL BASKETBALL CLUB,) NOTE FOR HEARING – DEFENDANT’S
14 LLC, an Oklahoma limited liability company,) MOTION TO STAY ACTION PENDING
15 Defendant.) MOTION TO STAY ARBITRATION
NOTE ON MOTION CALENDAR:
FRIDAY, OCTOBER 19, 2007

16 Defendant The Professional Basketball Club, LLC (“TPBC”), removed this matter to the
17 U.S. District Court on October 9. On September 26, 2007, while the matter was pending in King
18 County Superior Court, defendant TPBC filed a motion to stay the lawsuit pending an arbitration
19 brought by TPBC. Thereafter, the City of Seattle filed a pleading combining its opposition to
20 TPBC’s motion to stay and the City’s own cross-motion to stay the arbitration. Pursuant to a
21 stipulated briefing schedule, TPBC filed its reply brief and its opposition to the City’s cross-
22 motion on October 8, 2007. Finally, the City of Seattle filed its reply to TPBC’s opposition to its
23 cross-motion on October 9, 2007. Accordingly, TPBC’s motion for a stay and City of Seattle’s
24 cross-motion are fully briefed and ripe for decision.

1 Pursuant to CR 101(c), if a motion is pending and undecided in the state court at the time
2 of removal, it will not be considered unless and until the moving party notes the motion on the
3 court's calendar in accordance with CR 7(d).

4 CR 7(d) provides that non-dispositive motions such as the ones at issue here shall be
5 noted for consideration "no earlier than the third Friday after filing and service of the motion."
6 CR 7(d)(3). Accordingly, because TPBC's motion to stay was filed and served on Wednesday,
7 September 26, these motions, pursuant to CR 101(c) and 7(d), should be noted for hearing on
8 Friday, October 19, 2007.

9 DATED this 10th day of October, 2007.

10 BYRNES & KELLER LLP

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12 By 

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23 *The Professional Basketball Club, LLC*
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CERTIFICATE OF SERVICE

On the 10th day of October, 2007, I caused a true copy of the foregoing document to be served on the following counsel of record via hand delivery:

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DATED in Seattle, Washington this 10th day of October, 2007.



Paul R. Taylor, WSBA #14851