

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE, a first-class charter
city,

Plaintiff,

v.

THE PROFESSIONAL BASKETBALL
CLUB, LLC, an Oklahoma limited liability
company,

Defendant.

No. C07-1620 RSM

NOTE FOR HEARING ON
THE CITY OF SEATTLE'S
CROSS-MOTION FOR
STAY OF ARBITRATION

**Note on Motion Calendar:
Friday, October 19, 2007**

Oral Argument Requested

Defendant the Professional Basketball Club, LLC ("PBC") removed this matter to the United States District Court for the Western District of Washington on October 9, 2007. On September 26, 2007, while the matter was still pending in King County Superior Court for the State of Washington, PBC filed a motion to stay the litigation pending resolution of an arbitration demand it had previously filed. On October 2, 2007, plaintiff the City of Seattle ("the City") filed a cross-motion for stay of arbitration and opposition to PBC's motion to stay litigation, and requested oral argument on the motions. Pursuant to the stipulated briefing schedule, PBC filed its combined opposition and reply on October 8, 2007. The City then filed its reply in support of its cross-motion on October 9, 2007. PBC's motion to stay the

NOTE FOR HEARING –
CITY OF SEATTLE'S CROSS-MOTION FOR
STAY OF ARBITRATION - 1

Case No. C07-1620 RSM

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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 litigation and the City's cross-motion to stay arbitration are therefore fully briefed and ripe for
2 decision.

3 Pursuant to CR 101(c), "[i]f a motion is pending and undecided in the state court at the
4 time of removal, it will not be considered unless and until the moving party notes the motion
5 on this court's calendar in accordance with CR 7(d)." CR 7(d) provides that non-dispositive
6 motions, such as those the parties have filed here, shall be noted for consideration "no earlier
7 than the third Friday after filing and service of the motion." CR7(d)(3).

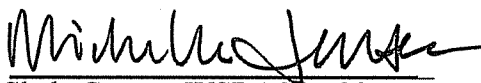
8 Because PBC's motion to stay the litigation was filed and served on Wednesday,
9 September 26, PBC has requested that these motions be noted for hearing on Friday, October
10 19, 2007. The City joins in that request, and respectfully asks that its cross-motion be noted
11 for hearing on October 19, 2007. The City additionally requests oral argument on these
12 motions.

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14 DATED this 11th day of October, 2007.

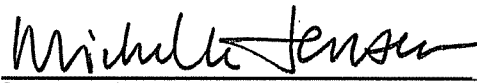
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17 KIRKPATRICK & LOCKHART
18 PRESTON GATES & ELLIS, LLP

THOMAS A. CARR
Seattle City Attorney

19 By:


Slade Gorton, WSBA No. 20
Paul J. Lawrence, WSBA No. 13557
Jeffrey Johnson, WSBA No. 23066
Jonathan Harrison, WSBA No. 31390
Michelle Jensen, WSBA No. 36611

By:


Gregory C. Narver, WSBA No. 18127
Assistant City Attorney

20
21
22 Attorneys for Plaintiff City of Seattle

Attorneys for Plaintiff City of Seattle

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26 NOTE FOR HEARING –
CITY OF SEATTLE'S CROSS-MOTION FOR
STAY OF ARBITRATION - 2

Case No. C07-1620 RSM

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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 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:

Mr. Bradley S. Keller
Byrnes & Keller LLP
1000 2nd Avenue
38th Floor
Seattle, WA 98104-1094

By s/ Michelle Jensen
Slade Gorton, WSBA No. 20
Paul J. Lawrence, WSBA No. 13557
Jeffrey Johnson, WSBA No. 23066
Jonathan Harrison, WSBA No. 31390
Michelle Jensen, WSBA No. 36611

Kirkpatrick & Lockhart Preston
Gates Ellis LLP
925 Fourth Ave., Suite 2900
Seattle, WA 98104-1158
(206) 623-7580
(206) 623-7022 (Fax)
michelle.jensen@klgates.com

Attorneys for Plaintiff
City of Seattle

NOTE FOR HEARING –
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STAY OF ARBITRATION – 3

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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022