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The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM LLC,)
)
 Plaintiff,)
)
 v.)
)
 DAVID W. HOYLE, in his official capacity as)
 Secretary of the North Carolina Department of)
 Revenue,)
)
 Defendant.)
)
 _____)

No. 2:10-cv-00664-MJP
**PLAINTIFF’S REQUEST FOR
ENTRY OF JUDGMENT IN A
SEPARATE DOCUMENT**

Pursuant to Rule 58(d) of the Federal Rules of Civil Procedure (“Rule”), Plaintiff Amazon.com LLC (“Amazon”) respectfully requests that the Court enter a separate judgment granting Amazon relief in this action as specified below.

On October 25, 2010, the Court issued an Order on Plaintiff’s Motion for Summary Judgment and Defendant Lay’s Motion to Dismiss (“Order”) (Dkt. 69). The Order granted Amazon’s Motion for Summary Judgment (Dkt. 44) on all claims except Amazon’s claim for relief under Article I, Sections 4 and 5 of the Washington State Constitution (Order at 22).

Contemporaneously with this filing, pursuant to Rule 15(a)(2), Amazon has filed a notice of amendment of its complaint to eliminate that state law claim. Separately, Intervenor/Defendant filed a stipulated judgment as to the Complaint of Intervenor Jane

1 Does 1 – 6 and Cecil Bothwell (Dkt. 75), a stipulation of dismissal of remaining claims (Dkt.
2 76), and Intervenor filed a notice of dismissal pursuant to Rule 41(a) (1)(A)(i) of their claim
3 under the Video Privacy Protection Act against Amazon (Dkt 77).

4 With certain exceptions not applicable here, Rule 58(a) provides in relevant part that
5 “[e]very judgment . . . must be set out in a separate document.” Rule 58(d) provides that a
6 “party may request that judgment be set out in a separate document as required by Rule
7 58(a).” With the amendment of Amazon's complaint to eliminate all references to its state
8 law claim, and the dismissal of Intervenors' complaint, there will be no live issues remaining
9 in this case. Amazon therefore respectfully requests that when these acts occur, the Court
10 direct the Clerk of Court to issue a judgment for Amazon on the Order Granting Amazon's
11 Motion for Summary Judgment (Dkt. 44) on all claims, except Amazon's claim for relief
12 under Article I, Sections 4 and 5 of the Washington State Constitution, in a separate document
13 pursuant to Rule 58(d).

14 DATED this 26th day of January, 2011.

15 DAVIS WRIGHT TREMAINE LLP

16 *s/ Steven P. Caplow*

17

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27 *Attorneys for Amazon.com LLC*

CERTIFICATE OF SERVICE

1
2 I hereby certify that on January 26, 2011, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system, which will send notification of such filing to all
4 parties listed to receive electronic notice in this case.

5 DATED this 26th day of January 2011.

6 DAVIS WRIGHT TREMAINE LLP

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