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KING COUNTY
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CASE NUMBER: 12-2-21829-3 SEA

THE HONORABLE CAROL SCHAPIRA
NOTED FOR ORAL ARGUMENT: JULY 10, 2012

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

GEOFF TATE and SUSAN TATE, a married
couple,

Plaintiffs,

v.

EDDIE JACKSON and TERESA GOLDEN-
JACKSON, a married couple; SCOTT
ROCKENFIELD and MISTY
ROCKENFIELD, a married couple;
MICHAEL WILTON and KERRIE LYNN
WILTON, a married couple; TRI-RYCHE,
CORPORATION, a Washington corporation;
QUEENSRYCHE MERCHANDISING, INC.,
a Washington corporation; and MELODISC
LTD., a Washington corporation,

Defendants..

Case No. 12-2-21829-3 SEA

PLAINTIFFS' MEMORANDUM IN
SUPPORT OF MOTION TO SHORTEN
TIME FOR HEARING ON THEIR
MOTION TO STRIKE

1 **I. Relief Requested**

2 Plaintiffs Geoff and Susan Tate respectfully request that this Court shorten the time
3 necessary to consider their accompanying motion to strike the untimely papers filed by
4 defendants Scott Rockenfield, Eddie Jackson, and Michael Wilton in opposition to the Tates’
5 motion for a preliminary injunction.

6 **II. Statement of Facts**

7 The Tates respectfully refer the Court to Plaintiffs’ Memorandum in Support of Motion
8 to Strike and the papers they filed in support of their motion for a preliminary injunction.

9 **III. Statement of Issues**

10 Should this Court grant the Tates’ motion to shorten time to allow it to hear the motion to
11 strike when it hears the motion for a preliminary injunction since, otherwise, the motion to strike
12 will not be heard in time, resulting in prejudice to the Tates?

13 **IV. Evidence Relied Upon**

14 The Tates rely on the accompanying Declaration of Benjamin Stone in Support of the
15 Motions to Strike and to Shorten Time. The Tates also rely on the declarations submitted in
16 support of their motion for a preliminary injunction.

17 **V. Authority**

18 King County Local Rule 7 permits a motion to be heard on shortened time for “good
19 cause” and upon written application provided opposing counsel is informed of the motion as
20 soon as the movant becomes aware of the need for the motion to shorten time. King County
21 Local Rule 7(b)(10).

22 Here, the Tates respectfully request that the Court shorten the time necessary to hear their
23 accompanying motion to strike the papers untimely filed by Rockenfield, Jackson, and Wilton in
24 opposition to the motion for a preliminary injunction. The motion for a preliminary injunction
25 will be heard on July 10 at 3:30 p.m. and the Tates request that the motion to strike be heard
26 then, too. If the motion to strike were noted as generally required by the Local Rules, which

1 requires notice of six court days, the motion would be heard too late because, by then, the motion
2 for the preliminary injunction would have been heard, and the untimely opposition papers
3 already considered. Obviously, the motion to strike and accompanying motion to shorten time
4 could not have been filed before today since Rockenfield, Jackson, and Wilton filed their
5 opposition papers only yesterday.

6 As required by Local Rule 7(b)(10)(C), during the morning hours of Monday July 9,
7 opposing counsel was informed of the filing of this motion by email from counsel for the Tates.
8 Declaration of Benjamin Stone in Support of Motions to Strike and to Shorten Time, para. 3.

9 **VI. Conclusion**

10 The Tates respectfully request that this motion to shorten time be granted so the Court
11 can consider their motion to strike the papers untimely filed in opposition to the Tates' motion
12 for a preliminary injunction during the hearing for the preliminary injunction on July 10 at 3:30.

13 Dated this 9th day of July 2012.

14 Respectfully submitted,

15 VERIS LAW GROUP PLLC

16
17 /s/ Benjamin J. Stone

18 Benjamin J. Stone, WSBA No. 33436
19 Joshua C. Brower, WSBA No. 25092
20 Denver R. Gant, WSBA No. 38552
21 Attorneys for Plaintiffs
22 Geoff Tate and Susan Tate

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4818-4611-5344, v. 1

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4 THE HONORABLE CAROL SCHAPIRA
5 MOTION NOTED FOR ORAL ARGUMENT ON JULY 10, 2012 AT 3:30 P.M.
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10 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
11 IN AND FOR THE COUNTY OF KING

12 GEOFF TATE and SUSAN TATE, a married
13 couple,

14 Plaintiffs,

15 v.

16 EDDIE JACKSON and TERESA GOLDEN-
17 JACKSON, a married couple; SCOTT
18 ROCKENFIELD and MISTY
19 ROCKENFIELD, a married couple;
20 MICHAEL WILTON and KERRIE LYNN
21 WILTON, a married couple; TRI-RYCHE,
22 CORPORATION, a Washington corporation;
23 QUEENSRYCHE MERCHANDISING, INC.,
a Washington corporation; and MELODISC
LTD., a Washington corporation,

24 Defendants.

Case No. 12-2-21829-3 SEA

(PROPOSED)

ORDER GRANTING PLAINTIFFS'
MOTION TO SHORTEN TIME

24 Plaintiffs, having filed a motion to shorten time so that their motion to strike the papers
25 untimely filed in opposition to their motion for a preliminary injunction could be heard on July
26 10, 2012 at 3:30, during the hearing on the motion for a preliminary injunction,

1 The Court, having considered the Plaintiffs Memorandum in Support of the Motion to
2 Shorten Time and the accompanying Declaration of Benjamin Stone, and having held oral
3 argument on July 10 at 3:30 p.m., the Court hereby rules as follows:

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the motion to shorten
5 time is GRANTED and the Court shall hear the motion to strike the papers untimely filed by
6 defendants Scott Rockenfield, Eddie Jackson, and Michael Wilton on July 10, at 3:30 p.m.

7
8 DONE IN OPEN COURT this _____ day of _____, 2012.

9 _____
10 _____
11 The Honorable Carol A. Schapira
Superior Court Judge

12 Presented by:

13 VERIS LAW GROUP PLLC

14
15 _____
16 Joshua C. Allen Brower, WSBA No. 25092
17 Benjamin J. Stone, WSBA No. 25092
18 Denver R. Gant, WSBA No. 38552
19 Attorneys for Plaintiffs
20 Geoff Tate and Susan Tate

21 4824-3659-4704, v. 1