

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CASCADE YARNS, INC., a Washington  
corporation,

Plaintiff,

v.

KNITTING FEVER, INC., a New York  
Corporation, DESIGNER YARNS, LTD., a  
corporation of England, FILATURA  
PETTINATA V.V.G. DI STEFANO VACCARI  
& C. (S.A.S.) an entity organized or existing  
under the laws of Italy, SION ELALOUF, a  
natural person, DIANE ELALOUF, a natural  
person, JAY OPPERMAN, an individual,  
DEBBIE BLISS, a natural person, DAVID  
WATT, a natural person and DOES 1-50.

Defendants.

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Case No. C10-00861 RSM

**DISMISSED DEFENDANT  
DAVID WATT’S RESPONSE TO  
PLAINTIFF’S MOTION FOR  
ALTERNATIVE SERVICE OF  
PROCESS**

Noted on Motion Calendar:  
January 21, 2011

On January 3, 2011, this Court granted in part Defendants’ Motion to Dismiss (Dkt. No. \_\_\_\_ ) and held, *inter alia*, that because “Cascade fails to allege any contacts between Mr. Watt, a British citizen and shareholder/director of Designer Yarns, a British Company,

1 and Washington . . . the Court shall grant the motion to dismiss Mr. Watt.” Dkt. Entry No.  
2 161 at 12. As a result of the Court’s ruling, Mr. Watt is no longer a party to this action.

3 Notably, Cascade did not move to reconsider this Court’s January 3, 2011 decision  
4 as to Mr. Watt. Nor could Cascade’s current motion be construed as a motion for  
5 reconsideration as it merely regurgitates the cases already considered, and rejected, by this  
6 Court. *See also* LR 7(h)(2) (“A motion for reconsideration shall be plainly labeled as  
7 such”). Indeed, because Mr. Watt is no longer a party to this action, Cascade cannot  
8 continue to file motions against him as though the Court’s January 3, 2011 ruling had no  
9 effect.<sup>1</sup>

10 As a dismissed party, Mr. Watt is under no obligation to address the merits of  
11 Cascade’s motion but notes that the only basis for Cascade’s untimely request for  
12 alternative service is that Judge Buckwalter – in a different action, in a different forum, and  
13 under different conditions – ordered defense counsel to serve as an agent for service of  
14 process for certain foreign corporate defendants, *not* Mr. Watt who is not even a party in  
15 that action. Moreover, Mr. Watt does not concede that this Court could exercise personal  
16 jurisdiction over him pursuant to the national contacts test, even if such a test were  
17 applicable. Cascade’s motion is an inappropriate attempt to bypass Constitutional  
18 protections afforded to him.

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22 \_\_\_\_\_  
23 <sup>1</sup> Recognizing the futility of a motion filed against a dismissed defendant, the Local Rules speak only to the  
obligation of a *party* in responding to a motion. *See, e.g.*, LR 7(b)(2).

1 For the reasons stated above, David Watt respectfully requests that the Court deny  
2 Cascade's Motion for Alternative Service.

3 DATED this 18th day of January, 2011.

4 Pepper Hamilton LLP

5 By /s/ Joshua R. Slavitt  
6 Joshua R. Slavitt (Admitted *Pro Hac Vice*)  
7 Deirdre E. McInerney (Admitted *Pro Hac Vice*)  
8 3000 Two Logan Square  
9 Philadelphia, PA 19103  
(215) 981-4000  
(215) 981-4750 (fax)  
E-mail: slavittj@pepperlaw.com  
mcinerneyd@pepperlaw.com

10 Davis Wright Tremaine LLP

11 By /s/ Warren J. Rheume  
12 Warren J. Rheume, WSBA #13627  
13 Rebecca Francis, WSBA #41196  
14 1201 Third Avenue, Suite 2200  
Seattle, WA 98101  
E-mail: warrenrheume@dwt.com  
rebeccafrancis@dwt.com

15 Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I electronically filed the foregoing Opposition to Plaintiff’s Motion for Alternative Service of Process with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Robert J. Guite, Esquire  
Squire, Sanders & Dempsey L.L.P.  
275 Battery Street, Suite 2600  
San Francisco, CA 94111  
rguite@ssd.com

DATED this 18th day of January, 2011.

Pepper Hamilton LLP

By /s/ Joshua R. Slavitt  
Joshua R. Slavitt (Admitted *Pro Hac Vice*)  
3000 Two Logan Square  
Philadelphia, PA 19102  
Tel: (215) 981-4000  
Fax: (215) 981-4750  
E-mail: slavittj@pepperlaw.com

Attorneys for Defendants