

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|-------------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 3:10-cv-00747 |
| |) | |
| EBONY WOOD IN VARIOUS FORMS, |) | Judge William J. Haynes |
| |) | |
| Defendant. |) | |

**CLAIMANT GIBSON GUITAR CORP.'S RESPONSE
IN OPPOSITION TO PLAINTIFF'S RENEWED MOTION TO STAY**

Claimant Gibson Guitar Corp. (“Gibson”) submits this response to the United States of America’s (the “Government”) renewed motion to stay (Doc. 66) incorporating by reference Gibson’s Motion to Reconsider and supporting Memorandum (Doc. 69, 70). As explained therein, the Government sought a stay because Gibson had requested written discovery from the Government and the Government did not want to answer that discovery. (Doc. 44, 45.) Gibson voluntarily withdrew those discovery requests, thus rendering the motion to stay moot. (Doc. 50.) The Government has not shown a basis for a stay under the applicable case law.

Accordingly, Gibson requests that the Court deny the renewed Motion to Stay.

Respectfully submitted,

s/ Tim Harvey

Steven A. Riley (BPR # 6258)

Tim Harvey (BPR # 021509)

W. Russell Taber, III (BPR # 24741)

Riley Warnock & Jacobson, PLC

1906 West End Avenue

Nashville, TN 37202

(615) 320-3700 – telephone

(615) 320- 3737 – facsimile

sriley@rwjplc.com

tharvey@rwjplc.com

rtaber@rwjplc.com

Attorneys for Gibson Guitar Corp.

CERTIFICATE OF SERVICE

I certify that, on October 7, 2011, a true and correct copy of the foregoing has been served upon the following Filing Users through the Court's Electronic Filing System:

Jerry E. Martin
United States Attorney for the
Middle District of Tennessee
110 Ninth Avenue South, Suite A-961
Nashville, Tennessee 37203-3870
jerry.martin2@usdoj.gov

Debra Teufel Phillips
United States Attorney for the
Middle District of Tennessee
110 Ninth Avenue South, Suite A-961
Nashville, Tennessee 37203-3870
deb.phillips@usdoj.gov

Attorneys for the United States of America

Alexander Fardon
Harwell, Howard, Hyne, Gabbert, and Manner
315 Deaderick Street, Suite 1800
Nashville, TN 37238-1800
daf@h3gm.com

Attorney for Theodor Nagel GMBH & Co KG

s/ Tim Harvey _____