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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

The Board of Directors of the Motion
Picture Industry Pension Plan, *et al.*,
Plaintiffs,
v.
Before the Devil Knows, Inc.,
Defendant.

Case No. CV 10-09385 ODW (JEMx)

Order **DENYING** Motion for
Issuance of Order to Show Cause Re:
Contempt [19] [Filed 08/22/11] and
VACATING Hearing Thereon

Pending before the Court is Plaintiffs, The Board of Directors of the Motion Picture Industry Pension Plan, The Motion Picture Industry Individual Account Plan, and Motion Picture Industry Health Plan (collectively, “Plaintiffs”) Motion for the Issuance of an Order to Show Cause. (Dkt. No. 19.) Plaintiffs seek to hold Brian Loren Linse (“Linse”), who is allegedly an officer of Defendant, Before the Devil Knows, Inc. (“Defendant”), in contempt of the Court’s March 2, 2011 Order (the “Order”). (*Id.*) Linse, however, is not a party to the instant litigation.

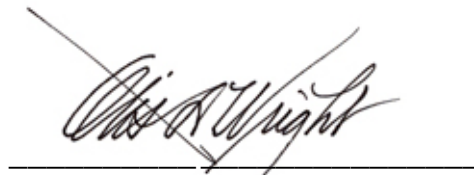
“[T]o be held liable in contempt, it is necessary that a non-party respondent must either abet the defendant [in violating the court’s order] or be legally identified with him, and that the non-party have notice of the order[.]” *Peterson v. Highland Music, Inc.*, 140

1 F.3d 1313, 1323-24, (9th Cir. 1998) (internal citations omitted). Here, Plaintiffs fail to
2 assert any facts establishing that Linse aided or abetted Defendant in violating the Court's
3 Order. The assertion that Linse is an officer of the corporation, without more, is
4 insufficient. Furthermore, while Plaintiffs contend that they sent a copy of the Order to
5 Defendant via certified mail, they have not presented competent evidence that Linse
6 personally received and/or had notice of the Order.

7 In light of the foregoing, Plaintiffs' Motion is **DENIED**. The September 26, 2011
8 hearing on the matter is **VACATED** and no appearances are necessary.

9
10 **IT IS SO ORDERED.**

11 September 14, 2011

A handwritten signature in cursive script, appearing to read "Otis D. Wright, II", is written over a horizontal line. The signature is written in black ink and is somewhat stylized.

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13 HON. OTIS D. WRIGHT, II
14 UNITED STATES DISTRICT JUDGE
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