

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

‘O’

Case No. 2:16-cv-08172-CAS (x) Date November 3, 2016

Title UL, LLC V. THE SPACE CHARIOT, INC.; ET AL.

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) - UL’S APPLICATION TO FILE UNDER SEAL
(Filed November 2, 2016)

UL’S APPLICATION FOR A SEIZURE ORDER (Filed November
2, 2016)

The Court is in receipt of UL’s ex parte application for a temporary restraining order, seizure order, expedited discovery, and order to show cause re: preliminary injunction. UL has requested to file this case under seal as required by 15 U.S.C. § 1116(d)(8). 15 U.S.C. § 1116(d)(8) requires that a seizure order and all “supporting documents” be sealed until after the seizure order has been carried out.

15 U.S.C. § 1116(d)(4) provides that the Court “shall not grant” an application for a seizure order unless, pursuant to sub-section (d)(4)(B), “the court finds that it clearly appears from specific facts that” several prerequisites have been satisfied. By requesting to file this action under seal and filing its application for a TRO without notice to defendant, UL appears to have satisfied the requirement of 15 U.S.C. § 1116(d)(4)(B)(ii), which requires that “the applicant has not publicized the requested seizure.” However, it does not appear at this time that “an immediate and irreparable injury will occur if such seizure is not ordered,” *id.* § 1116(d)(4)(B)(iv), or that “the person against whom seizure would be ordered, or persons acting in concert with such person, would destroy, move, hide, or otherwise make such matter inaccessible to the court, if the applicant were to proceed on notice to such person,” *id.* § 1116(d)(4)(B)(vii). Accordingly, plaintiff’s application for a seizure order is **DENIED without prejudice**. Because plaintiff’s

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request to file under seal is premised upon its application for a seizure order, plaintiff’s application to file under seal is **DENIED**.

The interests of justice do not require that UL’s ex parte application be heard without notice to defendant. See Local Rule 7-19.2. Accordingly, plaintiff is ordered to provide notice to defendant of this action. Plaintiff shall inform defendant that defendant shall have 48 hours from the date of delivery of the moving papers to file and serve their opposition papers, if any.

The Court reserves ruling on plaintiff’s application for a temporary restraining order, expedited discovery, and order to show cause re: preliminary injunction.

IT IS SO ORDERED.

Initials of Preparer

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CMJ