

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	2:18-cv-00070-RGK-PLA	Date	January 10, 2018
Title	<i>JITRADE, INC. v. ZULILY, LLC, et al</i>		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE
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Sharon L. Williams	Not Reported	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) Order re: Dismissal**

On May 17, 2017, Plaintiff filed a complaint against Defendant alleging claims for copyright infringement, vicarious copyright infringement, and contributory copyright infringement. This case, 17-cv-0341-RGK-PLA ("Case 1"), involved two-dimensional graphic artwork, JIC-28, SND 1505\_32A, and JIC-68, for use on textiles and garments. On October 16, 2017, Case 1 was dismissed for lack of prosecution after Plaintiff failed to appear at a scheduling conference, then failed to appear for an Order to Show Cause Why Case Should Not be Dismissed for Lack of Prosecution. Pursuant to Fed. R. Civ. P 41(b), such a dismissal operates as an adjudication on the merits.

On January 3, 2018, Plaintiff filed the current action against Defendant alleging same claims, based on the same alleged copyrights. This action appears identical to Case 1. Based on the prior dismissal for lack of prosecution, the Court finds the current action an improper refile of an action that has already been dismissed on the merits.

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The Court *sua sponte* **dismisses** this action.

**IT IS SO ORDERED.**

Initials of Preparer \_\_\_\_\_ : \_\_\_\_\_  
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