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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

J & J SPORTS PRODUCTIONS, INC.,)	Case No.: 1:10-cv-00762 AWI JLT
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY THE
)	ACTION SHOULD NOT BE DISMISSED
v.)	
)	
CAL CITY POST NO. 476,)	
THE AMERICAN LEGION, et al.,)	
)	
Defendants.)	

J & J Sports Productions, Inc. ("Plaintiff") commenced this action on April 30, 2010 against California City Post No. 476, The American Legion, Department of California, doing business as Cal City American legion, post 476 and also known as Harry V. Bailey, Sr. American Legion Post 476. (Doc. 1). Plaintiff alleged violations of 47 U.S.C. § 605, *et seq.*; 47 U.S.C. § 533, *et seq.*; and the California Business and Professions Code § 17200, *et seq.* In addition, Plaintiff alleged Defendant was liable for wrongful conversion of property, arising under California State law. Pl.'s (Doc. 1 at 3-7).

On September 8, 2010, Plaintiff moved for the entry of default judgment. (Docs. 13, 14) The motion was recommended to be denied on October 27, 2010 because the evidence submitted by Plaintiff J&J demonstrated that G&G Closed Circuit Events, rather than J&J, was the sole legal licensor of the program at issue. (Doc. 20) Though this error was pointed out in the findings and

1 recommendations, Plaintiff took no steps to correct the state of the evidence and/or pleadings. On
2 November 23, 2010, the District Judge adopted the Findings and Recommendations in full, finding
3 Plaintiff was neither a “person aggrieved” under 47 U.S.C. § 605 nor a party holding exclusive
4 ownership rights to be enforced under a claim of conversion. (Doc. 21 at 2). Rather, Plaintiff
5 demonstrated another company held the right to license broadcasting of the program at issue. *Id.*

6 Since that time, Plaintiff has taken no steps to resubmit its motion for default judgment
7 supported by evidence that clarified the record, to correct its pleadings or to otherwise prosecute the
8 matter. Therefore,

- 9 1. Plaintiff is **ORDERED** to show cause within 14 days of service of this order, why the
10 entry of default should not be set aside and the matter dismissed *or, in the alternative,*
11 Plaintiff **SHALL** renew its motion for default judgment supported by evidence that
12 demonstrates that it, rather than G&G Closed Circuit Events, is entitled to the relief
13 sought;
- 14 2. Plaintiff is warned that its failure to comply with the Court’s order may result in
15 dismiss of the action pursuant to Local Rule 110.

16 IT IS SO ORDERED.

17 Dated: May 25, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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