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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **NORTHERN CENTRAL**
10 **DISTRIBUTING, INC. dba YOSEMITE**
11 **HOME DECOR,**

12 **Plaintiff**

13 **v.**

14 **ROCKIE BOGENSCHUTZ, ROCKIE'S**
15 **CONTAINERS, LLC dba Y DÉCOR, and**
16 **YOSEMITE DECOR,**

17 **Defendants**

CASE NO. 1:17-cv-01351-AWI-EPG

ORDER FOR ADDITIONAL BRIEFING
AND ORDER VACATING JULY 23,
2018 HEARING

18 After further consideration, the Court finds that additional briefing is necessary.

19 On July 9, 2018, Plaintiff filed the “Reply Declaration of Lynae Edralin in Support of
20 Plaintiff’s Motion for an Order to Show Cause re: Contempt.” Doc. No. 43-2. The declaration
21 introduced alleged facts that do not appear to have been fully raised in Plaintiff’s underlying
22 “Memorandum of Points and Authorities in Support of Plaintiff’s Motion for an Order to Show
23 Cause.” Doc. No. 27-2. Specifically, the declaration discussed containers “under the name
24 ‘Yosemite Décor’” entering the United States “on May 7, 14, 20, 28, and June 11” for shipment to
25 certain warehouse addresses associated with Defendants. Doc. No. 43-2 at ¶ 4. Further, the
26 declaration discussed a “bill of lading for an Overstock shipment” that Ms. Edralin received on May
27 8, 2018, that “showed that the shipment was actually for Y Décor product that shipped from Y
28 Décor’s Arkansas warehouse.” *Id.* at ¶ 5. Further, the declaration discussed a ceiling fan purchased

1 from Defendants in June 2018 that was shipped to the customer with a Yosemite Home Décor
2 manual. Id. at ¶ 8. Because this information was alleged in a reply, Defendants have not had an
3 opportunity to respond.

4 The Court finds that a response from Defendants is necessary. Defendants will be ordered
5 to file additional briefing, including supporting evidence, on the factual issues referenced above. In
6 light of the supplemental briefing that is forthcoming, the Court finds that it is advisable to vacate
7 the July 23, 2018 hearing date. Once the supplemental briefing is received, the Court will set a new
8 hearing date if necessary at that time.

9 **Order**

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Defendants shall on or by August 2, 2018, file additional briefing concerning the factual
12 issues referenced above;
- 13 2. Plaintiff shall have until August 16, 2018, to file responsive briefing to any additional
14 briefing submitted by Defendants on this issue;¹ and
- 15 3. The July 23, 2018 hearing is VACATED.

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17 IT IS SO ORDERED.

18 Dated: July 19, 2018



19 SENIOR DISTRICT JUDGE

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¹ In the responsive briefing, Plaintiff shall not introduce factual issues that have not been previously raised.