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

CONCRETE WASHOUT SYSTEMS, INC., )  
a California corporation )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
NEATON COMPANIES, LLC, a limited )  
liability company, )  
 )  
Defendant. )  
\_\_\_\_\_ )

2:08-cv-02088-GEB-KJM  
ORDER

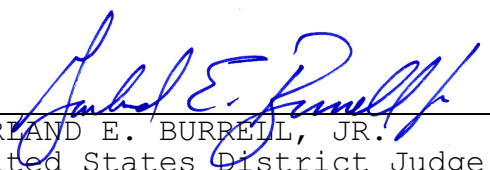
Plaintiff seeks coercive sanctions to compel Defendant's compliance with a preliminary injunction ("PI") issued on October 22, 2008, which enjoined Defendant from "using . . . concrete washout boxes that [Defendant] obtained from [Plaintiff] or its authorized manufacturers." (Dkt. No. 36, PI, at 7:17-19.) The issue is whether coercive sanctions are necessary to prevent Defendant from using thirteen concrete washout boxes that are on construction sites.

Defendant argues sanctions are unnecessary, relying on the declaration of its Chief Operations Officer Kelly Neaton, in which she avers eleven of those thirteen boxes are not being used for

1 construction activity on those sites; and the other two are not  
2 currently being used due to present freezing weather conditions.  
3 (Neaton 2nd Supp. Decl. ¶¶ 3, 11-15.) Neaton further declares she  
4 covered eleven of the thirteen boxes with tarps, which is a method  
5 Plaintiff suggested would prevent use of the boxes. (Neaton 2nd Supp.  
6 Decl. ¶¶ 4, 11, 13, 15; Supp. Reply at 2:20.) Defendant indicates  
7 belated compliance with the PI as to the use of these boxes, and that  
8 coercive sanctions are not necessary at this time.

9 Therefore, Plaintiff's motion is denied.

10 Dated: February 3, 2009

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GARLAND E. BURRELL, JR.  
United States District Judge