1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 ----00000----11 12 THE NATIONAL GRANGE OF THE No. 2:14-cv-676 WBS DB ORDER OF PATRONS OF 13 HUSBANDRY, 14 Plaintiff, ORDER 15 V. 16 CALIFORNIA GUILD, formerly doing business as "California Stage Grange," 17 18 Defendant. 19 ----00000----20 2.1 On April 17, 2018, this court reopened post-judgment 22 proceedings, vacated judgment in the amount of \$93,707.78, and 23 ordered defendant to pay plaintiff an additional \$9,000 in 24 sanctions. (Docket No. 235.) While defendant's appeal of this 25 court's post-judgment order was still pending, plaintiff obtained 26 a writ of execution as to the money judgment. (Docket No. 274.)

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In connection with execution of judgment, plaintiff filed a

notice of sale of defendant's personal property in the form of its name "California Guild." (Docket No. 279.) The sale is scheduled to take place on April 18, 2019. On April 15, 2019, defendant filed an Ex Parte Application to Stay the Sale of the Name (Docket No. 278) and plaintiff filed an opposition to the application (Docket No. 281).

Because defendant has put forth a colorable argument for why plaintiff may not be able to sell its trade name as a matter of state law, this court will exercise its discretion and stay the sale of the name "California Guild" scheduled for April 18, 2019, to allow time for the issues to be fully briefed and argued. See Landis v. N. Am. Co., 299 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."). This matter is set for hearing on defendant's request for a stay on the sale of its name "California Guild" on May 20, 2019 at 1:30 p.m. in Courtroom 5. The parties shall file and serve supplemental briefs by 12:00 p.m. on May 6, 2019. The parties shall also address whether defendant should be required to post a bond pursuant to Federal Rule of Civil Procedure 62(b).

IT IS SO ORDERED.

Dated: April 17, 2019

WILLIAM D SHIPP

WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

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