

1 Board of Rackwise, and plaintiff initiated this action against
2 defendant, alleging various state law violations for his actions
3 before and after his purported termination.

4 On June 13, 2017, the court issued an order stating
5 that defendant Guy Archbold, his agents, and any party acting in
6 concert with him or his agents are enjoined from:

7 (1) accessing or logging into, or attempting
8 to access or log into, Rackwise, Inc.'s
9 account in the U.S. SEC's online EDGAR filing
10 system;

11 (2) representing himself to anyone as being
12 an officer, director, or employee of, or
13 otherwise affiliated with Rackwise, Inc.; and

14 (3) acting, attempting to act, or purporting
15 to act on behalf of Rackwise, Inc.

16 (See June 13, 2017 Order 11:24-12:6 (Docket No. 13).)

17 On June 26, 2017, plaintiff filed a motion seeking to
18 have defendant Archbold, as well as non-parties John Todd,
19 Richard A. Ivers, Sherman Henderson, Jonathan A. Shechter, Craig
20 Whited, John Kyees, and Jay Schiffman, allegedly acting in
21 concert with him, in contempt for violating the court's June 13
22 Order. On June 30, 2017, the court set a briefing schedule on
23 the motion and set the matter for hearing on July 24, 2017.
24 Plaintiff has now submitted its proposed orders to show cause and
25 related materials. (Docket No. 31.)

26 The court finds that plaintiff has made a sufficient
27 showing to compel defendant Archbold to show cause why he should
28 not be adjudged in contempt. According to the evidence
presented, in connection with a lawsuit pending in the Southern
District of Florida (No. 17-80136-CIV-MIDDLEBROOKS) Archbold
signed a document dated June 14, 2017, in which he represented

1 himself to be a member of the Board of Directors of Rackwise,
2 Inc. If true, it appears that would have been in direct
3 violation of this court's Order of June 13, 2017.

4 The court does not find, however, that plaintiff has
5 made a sufficient showing to adjudge John Todd, Richard A. Ivers,
6 Sherman Henderson, Jonathan A. Shechter, Craig Whited, John
7 Kyees, or Jay Schiffman in contempt of this court's Order.
8 First, they are not parties to this action, and plaintiff has not
9 made a sufficient showing that they were on actual notice of this
10 court's June 13, 2017 at the time of their alleged violations.
11 Second, this court's Order only enjoined persons acting in
12 concert with Archbold from representing *him* as being affiliated
13 with Rackwise, Inc. It did not enjoin anyone else, even agents
14 of Archbold or persons acting in concert with him, from
15 representing *themselves* as being affiliated with or from acting
16 on behalf of Rackwise, Inc.

17 IT IS THEREFORE ORDERED that defendant Guy Archbold
18 appear personally before this court on July 24, 2017 at 1:30 p.m.
19 in Courtroom No. 5 at the above-entitled court, located at 501 I
20 Street, Sacramento, CA, 95814, to show cause why he should not be
21 adjudged in contempt of this court's Order of June 13, 2017, and
22 subjected to sanctions, which may include a fine, imprisonment,
23 or both.

24 Dated: July 13, 2017


25 **WILLIAM B. SHUBB**
26 **UNITED STATES DISTRICT JUDGE**