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9	UNITED STATES DISTRICT COURT
10	EASTERN DISTRICT OF CALIFORNIA
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13	RACKWISE, INC., a Nevada CIV. NO. 2:17-797 WBS CKD Corporation,
14	Plaintiff, ORDER TO SHOW CAUSE
15	v.
16	GUY ARCHBOLD, an individual,
17	Defendant.
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20	Plaintiff Rackwise, Inc. requests that the court order
21	certain non-parties to show cause as to why they are not in
22	violation of the court's June 13, 2017 Order. Defendant Archbold
23	served as the President, CEO, and Chairman of Rackwise's board
24	from at least 2011 until the beginning of 2017. On March 23,
25	2017, shareholders allegedly possessing a majority of Rackwise's
26	outstanding stock voted to terminate Archbold as President, CEO,
27	and chairman of the board. After his alleged termination,
28	Archbold continued to act as CEO, President, and Chairman of the
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Board of Rackwise, and plaintiff initiated this action against 1 2 defendant, alleging various state law violations for his actions 3 before and after his purported termination. On June 13, 2017, the court issued an order stating 4 5 that defendant Guy Archbold, his agents, and any party acting in 6 concert with him or his agents are enjoined from: (1) accessing or logging into, or attempting 7 to access or log into, Rackwise, Inc.'s account in the U.S. SEC's online EDGAR filing 8 system; 9 (2) representing himself to anyone as being an officer, director, or employee of, or 10 otherwise affiliated with Rackwise, Inc.; and 11 (3) acting, attempting to act, or purporting to act on behalf of Rackwise, Inc. 12 13 (See June 13, 2017 Order 11:24-12:6 (Docket No. 13).) 14 On June 26, 2017, plaintiff filed a motion seeking to have defendant Archbold, as well as non-parties John Todd, 15 16 Richard A. Ivers, Sherman Henderson, Jonathan A. Shechter, Craig 17 Whited, John Kyees, and Jay Schiffman, allegedly acting in 18 concert with him, in contempt for violating the court's June 13 Order. On June 30, 2017, the court set a briefing schedule on 19 20 the motion and set the matter for hearing on July 24, 2017. 21 Plaintiff has now submitted its proposed orders to show cause and 2.2 related materials. (Docket No. 31.) 23 The court finds that plaintiff has made a sufficient 24 showing to compel defendant Archbold to show cause why he should 25 not be adjudged in contempt. According to the evidence 26 presented, in connection with a lawsuit pending in the Southern District of Florida (No. 17-80136-CIV-MIDDLEBROOKS) Archbold 27 28 signed a document dated June 14, 2017, in which he represented 2

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

The court does not find, however, that plaintiff has 4 5 made a sufficient showing to adjudge John Todd, Richard A. Ivers, Sherman Henderson, Jonathan A. Shechter, Craig Whited, John 6 7 Kyees, or Jay Schiffman in contempt of this court's Order. First, they are not parties to this action, and plaintiff has not 8 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.

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

24 Dated: July 13, 2017

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WILLIAM B. SHUBB UNITED STATES DISTRICT JUDGE

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