

United States District Court
For the Northern District of California

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

OFFICE DEPOT, INC.,
Plaintiff,

v.

JOHN ZUCCARINI, et al.,
Defendants.

No. C 06-80356 SI

**ORDER DENYING MOTION TO
SHORTEN TIME FOR HEARING AND
REQUESTING A RESPONSE FROM
PLAINTIFF**

DS HOLDINGS, LLC,
Assignee,

v.

JOHN ZUCCARINI, et al.,
Defendants.

On September 14, both parties filed motions in this case. Plaintiff filed a motion to hold defendant in contempt, along with a motion to shorten the time schedule to hear the contempt motion. Defendant filed an “emergency motion” to disallow the auction, clarify the Court’s last order, and deny distribution of revenues. Neither party has yet responded to the motions of the other.

The Court denies plaintiff’s motion to shorten the time schedule for the contempt motion, and reminds plaintiff that one can only disobey a “specific and definite court order” after that order has been issued. *See* Sept. 13 Order; *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir. 1993).

The Court requests that plaintiff respond to defendant’s September 14 motions, and in particular

1 provide guidance to the court as to whether the September 13 Order should be clarified in any way, and
2 if so, how.

3 For the foregoing reasons and for good cause shown, the Court hereby DENIES the motion to
4 shorten the time schedule to hear the contempt motion. (Dk. No. 178.)

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6 **IT IS SO ORDERED.**

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8 Dated: September 16, 2010

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SUSAN ILLSTON
United States District Judge

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