

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

ARTHUR FULFORD, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

LOGITECH, INC., a California corporation,

Defendant

No. C-08-2041 MMC

**ORDER FINDING MICHAEL A.  
FITZGERALD IN CONTEMPT OF COURT  
ORDER; AWARDING COSTS AND FEES  
ACCORDING TO PROOF**

On April 22, 2010, on application of defendant Logitech, Inc. ("Logitech"), the Court ordered Michael A. Fitzgerald ("Fitzgerald"), a member of the plaintiff class, to show cause, in person on April 30, 2010, why he should not be held in contempt for violating the Court's March 5, 2010 Order Granting Final Approval of Class Action Settlement. On April 30, 2010, the Court conducted a hearing on the Order to Show Cause. Philip S. Warden of Pillsbury Winthrop Shaw Pittman LLP appeared on behalf of Logitech, and Kristen E. Law of Lieff, Cabraser, Heimann & Bernstein, LLP, appeared on behalf of the plaintiff class. Fitzgerald did not appear.

Having read and considered all filings submitted in connection with the matter, and having considered the showing made by counsel at the April 30, 2010 hearing, the Court, for the reasons stated on the record at the hearing, hereby finds Fitzgerald knowingly and

1 willfully violated the Court's March 5, 2010 Order by thereafter filing and continuing to  
2 prosecute, in the Commonwealth of Virginia, an action based on a claim released by the  
3 class action settlement in the above-titled case.

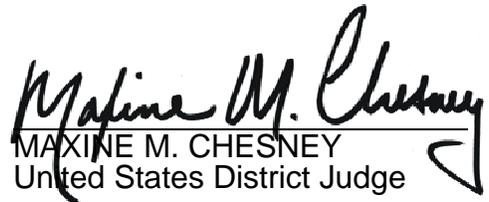
4 Accordingly, the Court finds Fitzgerald to be in contempt of court.

5 As a sanction therefor, Fitzgerald is hereby ordered to pay to Logitech the costs and  
6 fees reasonably incurred by Logitech in bringing its application for an order to show cause,  
7 for appearing at the April 30, 2010 hearing before this Court, and in responding to the  
8 action filed by Fitzgerald in the Commonwealth of Virginia, such costs and fees to be  
9 awarded according to proof. See In re Crystal Palace Gambling Hall, Inc., 817 F.2d 1361,  
10 1366 (9th Cir. 1987) (holding appropriate sanction for civil contempt is amount necessary to  
11 "compensate the contemnor's adversary for the injuries which result from the  
12 noncompliance").

13 No later than three weeks after a decision is rendered in the action pending in  
14 Virginia, Logitech shall file and serve on Fitzgerald proof of such costs and fees reasonably  
15 incurred. Fitzgerald's response, if any, shall be filed and served on Logitech no later than  
16 fourteen days after the date Logitech files its proof of such costs and fees.

17 **IT IS SO ORDERED.**

18  
19 Dated: April 30, 2010

  
MAXINE M. CHESNEY  
United States District Judge

20  
21  
22  
23  
24  
25  
26  
27  
28