

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

HENRY M. BURGOYNE III,

No. C-11-06376 EDL

Plaintiff,

**ORDER RE: PLAINTIFF’S MOTION
FOR PRELIMINARY INJUNCTION**

v.

KARL M. KRONENBERGER,

Defendant.

On May 1, 2012, the Court held a hearing on Plaintiff’s Motion for Preliminary Injunction. At the hearing, the parties reached a resolution of their dispute, which they placed on the record. The parties agreed to further reduce their resolution to writing no later than May 9, 2012, and to inform the Court if they were unable to do so.

On May 14, 2012, Plaintiff filed an unauthorized ten-page supplemental brief on the merits along with a lengthy declaration in which Plaintiff stated, among other things, that the parties could not resolve their dispute, and asked the Court to rule on the motion for preliminary injunction. On May 15, 2012, Defendant filed an objection to Plaintiff’s supplemental brief. The Court declines to consider Plaintiff’s unauthorized supplemental brief.

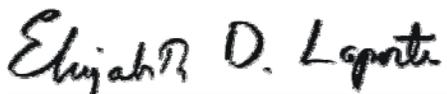
The Court has carefully reviewed the parties’ briefs filed in connection with the motion for preliminary injunction, and has considered the parties’ arguments at the hearing and their stipulation that was placed on the record. Accordingly, the Court issues the following Order which reflects the parties’ agreement on the record at the hearing and which resolves Plaintiff’s Motion for Preliminary Injunction: (1) no later than June 12, 2012, Defendants shall file and serve a declaration(s) detailing the steps taken since Plaintiff’s termination through the date of the hearing by Defendants to delete

1 references to Plaintiff's name in connection with Defendants' internet advertising; (2) Defendants
2 shall forthwith take all reasonable steps to remove any misleading current association between
3 Plaintiff's name and Defendant's name, including contacting the websites raised in connection with
4 the motion and reply (e.g., martindale.com, lawyers.com, and attorneys.com) to find out why the
5 Kronenberger Burgoyne reference remained on the website, and to request that the website remove
6 Plaintiff's name in association with Defendants' from those websites, including from the source
7 code, and to provide a declaration(s) no later than June 29, 2012 to Plaintiff detailing the steps
8 Defendant took in an effort to delete Plaintiff's name in association with Defendants' from those
9 websites, and the response from the websites; (3) if, in the future, Defendants and/or Plaintiff
10 become aware of any of Defendants' advertising that contains Plaintiff's name in association with
11 Defendants, the party that discovered the advertising shall contact the opposing party within twenty-
12 four hours or as soon as practical thereafter, and Defendant shall take immediate action to address
13 the advertising and provide detailed information to Plaintiff regarding the steps taken to delete the
14 reference to Plaintiff's name from that advertising; and (4) Defendant shall not engage in future
15 advertising using Plaintiff's name.

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IT IS SO ORDERED.

Dated: May 30, 2012



ELIZABETH D. LAPORTE
United States Magistrate Judge