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UNITED STATES DISTRICT COURT  
For the Northern District of California

UNITED STATES DISTRICT COURT  
Northern District of California  
San Francisco Division

STANLEY BLACK & DECKER, INC., and THE BLACK & DECKER CORPORATION, No. C 12-04516 SC (LB)

Plaintiffs,

v.

**ORDER TO SHOW CAUSE**

D&L ELITE INVESTMENTS, LLC, a California limited liability company d/b/a G BAY INTERNATIONAL; BILLY DENG, an individual; WEISHEN LUO, an individual; and JOHN DOES 1-10, inclusive,

Defendants.

Plaintiff Black & Decker filed Lanham Act and unfair competition claims against Defendants for allegedly dealing counterfeit products. *See* Complaint, ECF No. 1.<sup>1</sup> Black & Decker moved for sanctions on the ground that Defendant Billy Deng destroyed the computer he used to conduct Defendant D&L Elite Investments LLC’s business operations in a deliberate attempt to cover up the scope of his wrongdoing. *See* Motion, ECF No. 105 at 3 (seeking an adverse inference instruction, attorney’s fees, and costs). On September 24, 2013, the district court referred all discovery matters to this court, including Black & Decker’s sanctions motion. *See* Order Referring Case, ECF No. 108. On September 26, this court issued a notice of referral stating that “[t]he briefing schedule

<sup>1</sup> Citations are to the Electronic Case File (“ECF”) with pin cites to the electronically-generated page numbers at the top of the document.

1 required by Civil Local Rule 7-3 remains in effect (with the opposition due on October 4, 2013, and  
2 the optional reply due on October 11, 2013).” ECF No. 109.

3 Defendants have neither opposed Plaintiffs motion nor filed a statement of non-opposition as  
4 required by the Civil Local Rules, and the deadlines have passed. *See generally* Docket. The parties  
5 also just filed a joint discovery letter brief on a different issue. *See* ECF No. 111. The court  
6 understands that there is a pending motion to withdraw, but that does not alter counsel’s obligations  
7 now.

8 Accordingly, the court **ORDERS** Defendants to show cause why the sanctions motion should  
9 not be granted. Defendants’ counsel must respond to this order by Wednesday, October 16, 2013 at  
10 noon, and in it, they must provide an explanation and (after conferring with Plaintiff’s counsel) set  
11 forth the parties’ joint proposed briefing schedule. That schedule must comply with the local rules  
12 and must provide for the filing of an opposition brief no later than October 24, 2013.

13 **IT IS SO ORDERED.**

14 Dated: October 11, 2013

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16 LAUREL BEELER  
17 United States Magistrate Judge

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