

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

FORRESTSTREAM HOLDINGS  
LIMITED,

Plaintiff,

v.

GREGORY SHENKMAN, et al.,

Defendants.

Case No. 16-cv-01609-LB

**ORDER TO SHOW CAUSE WHY  
FORRESTSTREAM SHOULD NOT BE  
GRANTED LEAVE TO FILE MOTION  
FOR SANCTIONS**

Re: ECF No. 316

The court assumes the reader’s familiarity with the subject matter and procedural history of this case. On June 14, 2018, the court “(1) order[ed] Mr. Shenkman to produce documents in accordance with Forreststream’s document requests and answer Forreststream’s interrogatories, and (2) order[ed] Mr. Shenkman to provide full ownership information for each entity in which he holds an interest (of any kind) and produce current balance sheets and three years of income statements and general ledgers for each such entity.”<sup>1</sup> The court ordered Mr. Shenkman to produce these documents and information by June 21, 2018.<sup>2</sup>

<sup>1</sup> Corrected Order – ECF No. 299 at 1–2. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

<sup>2</sup> Id. at 2.

1 On June 22, 2018, Forreststream notified the court that Mr. Shenkman had failed to comply  
2 with the court's order and moved for leave to bring a motion for sanctions.<sup>3</sup> On June 25, 2018, Mr.  
3 Shenkman represented that he would provide his responses that day.<sup>4</sup> That evening, the court  
4 issued an order stating that:

5 On the basis of Mr. Shenkman's representation that he will provide his updated  
6 discovery responses to his counsel today and that his counsel will do his best to  
7 serve them on Forreststream by the end of the day, the court denies Forreststream's  
8 motion for leave to file a motion for sanctions, ECF No. 304. This denial is without  
9 prejudice to a future motion for leave to file a motion for sanctions should Mr.  
10 Shenkman fail to comply with his discovery obligations or with any other court  
11 order.<sup>5</sup>

12 On November 2, 2018, Forreststream filed a letter stating that it had contacted Mr. Shenkman  
13 several times about its discovery requests and that, to date, Mr. Shenkman has not provided  
14 substantive responses to its discovery requests or materially complied with the court's June 14  
15 order.<sup>6</sup> Forreststream renews its motion for leave to bring a motion for sanctions.<sup>7</sup>

16 **The court warns Mr. Shenkman that he risks sanctions if he fails to comply with his**  
17 **discovery obligations or fails to comply with any court order.** The court orders Mr. Shenkman  
18 to appear before the court on November 15, 2018, at 9:30 a.m., and show cause why Forreststream  
19 should not be granted leave to file a motion for sanctions. The court further orders Mr. Shenkman  
20 to provide any written response to Forreststream's letter by November 9, 2018. Forreststream may  
21 submit a reply by November 13, 2018 at noon.

22 **IT IS SO ORDERED.**

23 Dated: November 6, 2018



24 LAUREL BEELER  
25 United States Magistrate Judge

26 <sup>3</sup> Forreststream Letter – ECF No. 304. Forreststream's letter detailed the procedural history prior to the  
27 court's June 14, 2018, of its discovery requests and Mr. Shenkman's failure to respond thereto. See *id.*  
28 at 1–2.

<sup>4</sup> Shenkman Letter – ECF No. 305 at 2.

<sup>5</sup> Order – ECF No. 306.

<sup>6</sup> Forreststream Letter – ECF No. 316.

<sup>7</sup> *Id.*