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

GLASS EGG DIGITAL MEDIA,
Plaintiff,
v.
GAMELOFT, INC., et al.,
Defendants.

Case No. [17-cv-04165-MMC](#)

**ORDER REFERRING TO
MAGISTRATE JUDGE PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER TO PRESERVE
EVIDENCE**

Before the Court is Glass Egg Digital Media's ("Glass Egg") "Motion for Temporary Restraining Order to Preserve Evidence," filed February 6, 2018. As the title of the motion makes clear, the relief sought thereby is not the relief sought by the operative complaint, namely, damages and a permanent injunction prohibiting defendants from continuing to engage in allegedly infringing conduct, but, rather, an order requiring defendants to preserve assertedly discoverable evidence.

Accordingly:

1. To the extent Glass Egg seeks preliminary injunctive relief, the motion is hereby DENIED. See Pac. Radiation Oncology, LLC v. Queen's Med. Ctr., 810 F.3d 631, 636 (9th Cir. 2015) (holding "[a] preliminary injunction is appropriate when it grants relief of the same nature as that to be finally granted").
2. To the extent Glass Egg seeks an order precluding defendants from "ongoing spoliation of material evidence" (see Mot. at 1:3), the motion, as well as all further discovery matters, are hereby REFERRED to a Magistrate Judge, pursuant to Civil Local Rule 72-1, to be heard and considered at the convenience of the assigned Magistrate

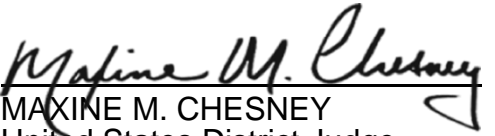
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Judge's calendar.

After the parties have met and conferred, see Civil L.R. 37-1, the parties shall prepare a joint letter of not more than 5 pages explaining the dispute. Up to 12 pages of attachments may be added. The joint letter must be electronically filed under the Civil Events category of "Motions and Related Filings > Motions - General > Discovery Letter Brief." The Magistrate Judge to whom the matter is assigned will advise the parties as to the manner in which that Judge intends to proceed. The Magistrate Judge may issue a ruling, order more formal briefing, or set a telephone conference or a hearing. After a Magistrate Judge has been assigned, all further discovery matters shall be filed pursuant to that Judge's procedures.

IT IS SO ORDERED.

Dated: February 6, 2018


MAXINE M. CHESNEY
United States District Judge