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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 GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
MOTION FOR SANCTIONS**

Re: Dkt. No. 59

Before the Court is defendant Gameloft, Inc.'s Motion for Sanctions, filed December 12, 2018. Plaintiff Glass Egg Digital Media has filed opposition, to which Gameloft has replied. The matter came on regularly for hearing on February 9, 2018. Matthew Frankel, Robert A. Weikert, and Conor McNamara of Nixon Peabody LLP appeared on behalf of defendant. Q. Huy Do of KyZen Law appeared on behalf of plaintiff.

As set forth on the record at the hearing, the Court finds plaintiff's counsel, by sending the challenged correspondence, violated Rule 5-100 of the California Rules of Professional Conduct, and that sanctions may be imposed. The Court now rules on the particular sanctions requested.

In light of plaintiff's counsel's explanation for his sending the challenged correspondence, his representation to the Court, as an officer of the court, that no similar written or oral communication has been made, and the emails exchanged by the parties prior to the filing of the instant motion, including plaintiff's counsel's offer therein to meet

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with opposing counsel and the Court, either telephonically or in person, for instructions regarding the challenged correspondence, the motion is GRANTED in part and DENIED in part as follows:

1. To the extent defendant seeks an order prohibiting plaintiff's counsel from "engaging in any similar communications with any witness or party" (see Proposed Order at 3:2-3), the motion is hereby GRANTED.

2. In all other respects, the motion is hereby DENIED.

**IT IS SO ORDERED.**

Dated: February 12, 2018

  
MAXINE M. CHESNEY  
United States District Judge