

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

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

ATKINS SHEEP RANCH, INC., a
California Corporation,

No. C 17-04917 WHA

Plaintiff,

v.

CHARLES SCHARMANN; JOSEPH
RING; CHRIS LAM; BLUE RIVER
SEAFOOD, INC., a California Corporation
dba PUCCI FOODS; and DOES 1 through
100, inclusive,

**ORDER SETTING BRIEFING
SCHEDULE AND HEARING ON
MOTION FOR TEMPORARY
RESTRAINING ORDER,
ORDER TO SHOW CAUSE, AND
EXPEDITED DISCOVERY**

Defendants.

Plaintiff Atkins Sheep Ranch, Inc., brought this action for trade secret misappropriation and related claims against defendants Charles Scharmman, Joseph Ring, Chris Lam, and Blue River Seafood, Inc. (“Pucci”) based on allegations that former Atkins employees Scharmman and Ring misappropriated Atkins trade secrets pertaining to business operations and relationships and solicited one of Atkins’s primary customers, Grocery Outlet, for the benefit of their new employer Pucci, a competing business headed by Lam (*see* Dkt. No. 1 ¶¶ 6–37).

Atkins has filed an *ex parte* motion for (1) a temporary restraining order, (2) an order to show cause why a preliminary injunction should not issue, and (3) limited expedited discovery (Dkt. No. 13). Atkins CEO Jonathan Packman submitted a supporting declaration (Dkt. No. 15) with appended documentary evidence of the complaint’s allegations, including the Atkins

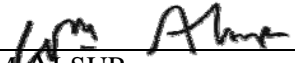
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

employee handbook and emails to and from defendants, but omitting the alleged trade secret documents “pending court order sealing [said] documents” (*e.g.*, Dkt. No. 15-2 at 5).

Having considered the complaint, motion, and supporting documentation, the Court is unwilling to grant the requested relief on an *ex parte* basis but sets a hearing on the motion for **SEPTEMBER 5 AT 10:00 A.M.** Atkins shall file the alleged trade secret documents with an administrative motion to file under seal in full compliance with our Civil Local Rules by **AUGUST 28 AT NOON.** Atkins shall also serve the summons, complaint, motion, supporting documentation, and this order on defendants by **TOMORROW AT 5:00 P.M.** Defendants may file a written response by **AUGUST 30 AT NOON.**

IT IS SO ORDERED.

Dated: August 25, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE