

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GS HOLISTIC, LLC,  
  
Plaintiff.

Case Number: 3:22-cv-07640-LJC

**CASE MANAGEMENT STATEMENT  
& ~~PROPOSED~~ ORDER**

v.

SHARIFI GLOBAL TRADE INC d/b/a  
CIGARETTES CHEAPER and  
ASADUALLAH SHARIFI,  
  
Defendants.

The parties to the above-entitled action submit this CASE MANAGEMENT STATEMENT & PROPOSED ORDER pursuant to the Standing Order for All Judges of the Northern District of California and Civil Local Rule 16-9.

1. Jurisdiction & Service

This Court has subject matter jurisdiction over the claims in this action that relate to trademark infringement, counterfeiting, and false designation of origin and unfair competition pursuant to the provisions of 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a). No issues exist regarding personal jurisdiction or venue. The Defendants have all been served.

1       2.     Facts

2               This is a civil action against the Defendants for trademark infringement, counterfeiting,  
3 and false designation of origin and unfair competition, under the Lanham Act (15 U.S.C. § 1051  
4 et. seq.). In its Complaint filed on December 4, 2022, the Plaintiff alleges that the Defendants  
5 offered for sale counterfeit goods bearing marks that infringed on several of the Plaintiff's federally  
6 registered trademarks and that such offers are likely to cause confusion as to the source of the  
7 counterfeit goods in the market. At this stage in the litigation, the Defendants dispute all fact  
8 allegations in the Complaint.

9  
10       3.     Legal Issues

11               At this stage in the litigation, Defendants dispute all allegations of law in the Complaint,  
12 including but not limited to: (i) whether the Defendants offered for sale counterfeit goods under  
13 an infringing mark(s); (ii) the amount of damages suffered by the Plaintiff for the Defendants'  
14 actions, if proven; (iv) whether the offers for sale of counterfeit goods with marks resembling the  
15 Plaintiff's federally registered trademarks, if proven, are likely to cause consumer confusion; and  
16 (v) the potential application of any affirmative defenses to the claims in the Complaint.

17  
18       4.     Motions

19               On April 6, 2023, the Plaintiff filed a Motion for Entry of Clerk's Default Against the  
20 Defendants. On April 20, 2023, the Plaintiff filed a Motion for Extension of Time to File Case  
21 Management Statement. At this time, the Plaintiff anticipates bringing a Motion for Summary  
22 Judgment following fact discovery. At this time, the Defendants anticipate bringing (i) a Motion  
23 to Set Aside the Default, if necessary; (ii) a Motion for an Extension of Time to File a Response  
24 to the Complaint, if necessary; and (iii) a Motion for Summary Judgment, following fact discovery.

25  
26       5.     Amendment of Pleadings

27               No parties, claims, or defenses are expected to be added or deleted.

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

6. Evidence Preservation

The parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information.

7. Disclosures

The parties will serve their initial disclosures pursuant to Fed. R. Civ. P. 26.

8. Discovery

No Discovery has been taken to date.

9. Class Actions

The case is not a class action.

10. Related Cases

There are no related cases pending.

11. Relief

The Plaintiff seeks statutory damages; treble damages; disgorgement of profits; costs of suit; injunction; and accounting. The Plaintiff seeks the range for statutory damages for the use of counterfeit marks is \$1,000 to \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just, and if the court finds that the use was willful, up to ten (10) times that amount. The Plaintiff seeks the full amount of statutory damages awardable for willful infringement, plus costs, at this time. The Defendants dispute all damages as well as any entitlement to relief sought by Plaintiff.

1 12. Settlement and ADR

2 Settlement negotiations have occurred and, although there has been no agreement as to  
3 settlement, the Parties believe settlement is plausible at this time.

4  
5 13. Other References

6 The case is not suitable for reference to binding arbitration, a special master, or the Judicial  
7 Panel on Multidistrict Litigation.

8  
9 14. Narrowing of Issues

10 At this stage in the litigation, where the Defendants have just recently appeared, there are  
11 no issues that can be narrowed by agreement or by motion. There are no suggestions to expedite  
12 the presentation of evidence at trial. There is no request to bifurcate issues, claims, or defenses.

13 At this time, the issues that appear most consequential to the case are whether: (i) the  
14 Defendants' offered for sale goods bearing counterfeit marks, as alleged; (ii) the Defendants' offer  
15 for sale of goods bearing counterfeit marks, if it occurred, was willful; (iii) whether the offer for  
16 sale of those goods, if it occurred, caused a likelihood of confusion with regard to the Plaintiff's  
17 registered marks, and (iv) whether Plaintiff suffered damages as a result, plus the amount of  
18 damages suffered by the Plaintiff. In addition to issues of Plaintiff's initial burden, Defendants  
19 also anticipate raising affirmative defenses as consequential issues.

20  
21 15. Expedited Trial Procedure

22 This is not the type of case that can be handled under the Expedited Trial Procedure of  
23 General Order 64, Attachment A.

24  
25 16. Scheduling

26 *Proposed dates:*

27 Completion of initial ADR session: by January 3, 2024

28 Designation of experts: by February 5, 2024

1 Discovery cutoff: by March 8, 2024

2 Hearing of dispositive motions: by April 5, 2024

3 Pretrial conference and trial.: by May 20, 2024

4  
5 17. Trial

6 The case will be tried by the court and will last 3-4 days.

7  
8 18. Disclosure of Non-party Interested Entities or Persons

9 The Plaintiff has filed the “Certification of Interested Entities or Persons” required by Civil  
10 Local Rule 3-15 with the following listed entities or persons: Chris Folkerts, GS Holistic, LLC,  
11 Leon Law, LLP, Tomas Carlos Leon, Sharifi Global Trade Inc d/b/a Cigarettes Cheaper and  
12 Asaduallah Sharifi. The Defendants will file a separate “Certification of Interested Entities or  
13 Persons” required by Civil Local Rule 3-15 disclosing the following: Sharifi Global Trade Inc  
14 d/b/a Cigarettes Cheaper and Asaduallah Sharifi.

15  
16 19. Professional Conduct

17 The parties’ attorneys have reviewed the Guidelines for Professional Conduct for the  
18 Northern District of California.

19  
20 20. Other

21 The parties are unaware of any other matters that may facilitate the just, speedy and  
22 inexpensive disposition of this matter.

23  
24  
25 Dated: 5/3/2023

/s/ Tomas Leon

26 \_\_\_\_\_  
Tomas Leon, Esq.  
27 Counsel for plaintiff

1  
2  
3 Dated: 5/3/2023

/s/ Paige Pembrook

Paige Pembrook, Esq.  
Counsel for Defendants

4  
5 CASE MANAGEMENT ORDER


6 The above CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved  
7 as the Case Management Order for this case and all parties shall comply with its provisions. [In  
8 addition, the Court makes the further orders stated below:]

9 **The Court sets the deadlines in this case as follows: Close of Fact Discovery due by March 8, 2024; Close of Expert  
10 Discovery due by May 17, 2024; Plaintiff's Motion for Summary Judgment due by May 31, 2024; Defendants'  
11 Opposition and Cross-Motion due by June 14, 2024; Plaintiff's Opposition to Cross-Motion and Reply due by  
12 June 21, 2024; Defendants' Reply due by June 28, 2024; Dispositive Motion Hearing set for July 16, 2024 at 10:30  
13 a.m. in Courtroom G - 15th Floor; Pretrial Conference set for November 1, 2024 at 09:00 a.m. in Courtroom G -  
14 15th Floor; Trial set for November 18-20, 2024 at 09:00 a.m. in Courtroom G - 15th Floor.**

15 **Further Case Management Conference set for December 7, 2023 at 1:30 p.m. via Zoom. Case Management  
16 Statement due by November 30, 2023.**

17 IT IS SO ORDERED.

18 Dated: May 19, 2023

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
UNITED STATES MAGISTRATE JUDGE