

United States District Court
For the Northern District of California

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

CRATERS & FREIGHTERS,
Plaintiff,

v.

DAISYCHAIN ENTERPRISES, dba FREIGHT &
CRATE; CATHY BENZ; and FRED BENZ,
Defendants.

No. C 09-4531 CW
ORDER DENYING
WITHOUT PREJUDICE
PLAINTIFF'S
APPLICATION FOR AN
ORDER TO SHOW CAUSE
(Docket No. 121)

_____ /

On January 18, 2011, Plaintiff Craters & Freighters filed an application for an order to show cause, alleging that Defendants Daisychain Enterprises, Cathy Benz and Fred Benz were in violation of the Court's permanent injunction, which issued on May 5, 2010. In particular, Plaintiff asserts that, in "January, 2010," an internet search of the terms "freight n crate" provided results that included "www.freightncrate.com," which linked to the homepage for WrapitExpress. Schmitz Supp. Decl. ¶ 2. Plaintiff contends that WrapitExpress is owned by Defendants.

Plaintiff's motion is DENIED without prejudice. (Docket No. 121.) If Plaintiff seeks an order to show cause, it must proffer a declaration that supports its request. Such a declaration must state, among other things, that Defendants violated the Court's permanent injunction after the date it issued. Further, Plaintiff must offer evidence of its internet search and that Defendants currently own WrapitExpress. Plaintiff's current declaration includes a printout of what appears to be the WrapitExpress

1 homepage; however, it does not include a printout of Plaintiff's
2 purported Google search results. Nor does Plaintiff's declaration
3 include any evidence to support its claim that Defendants currently
4 own WrapitExpress.

5 IT IS SO ORDERED.

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7 Dated: 2/15/2011



8 CLAUDIA WILKEN
9 United States District Judge
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