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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CADENCE DESIGN SYSTEMS, INC.,  
Plaintiff,  
v.  
POUNCE CONSULTING, INC., et al.,  
Defendants.

Case No. 17-cv-04732-PJH

**ORDER RE HEARING HELD ON MAY  
30, 2018**

Re: Dkt. Nos. 58, 70, 101, 103, 106, 107

The motions ruled on below came on for hearing before this court on May 30, 2018. Plaintiff Cadence Design Systems, Inc. appeared through its counsel, Guy Ruttenberg. Defendant Pounce Consulting, S.A. de C.V. (“Pounce Mexico”) appeared through its counsel, Frederick Taylor. Having read the papers filed by the parties and carefully considered their arguments and the relevant legal authority, good cause appearing, and for the reasons stated at the hearing, the court rules as follows:

Pounce Mexico’s motion to quash service is DENIED. The court finds that plaintiff effected service on Pounce Mexico through its CEO Roger Viera pursuant to Fed. R. Civ. P. 4(h) and Cal. Code. Civ. P. § 416.10(b). The court also finds that at the very least Pounce Mexico was served pursuant to Cal. Code. Civ. P. § 415.20(a).

Pounce Mexico’s motion to set aside default is GRANTED. Plaintiff has failed to rebut Pounce Mexico’s showing as to any of the three “good cause” factors. See Bandt v. Am. Bankers Ins. Co. of Fla., 653 F.3d 1108, 1111 (9th Cir. 2011) (listing factors). “[J]udgment by default is a drastic step appropriate only in extreme circumstances; a case should, whenever possible, be decided on the merits.” United States v. Signed Pers. Check No. 730 of Yubran S. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010) (internal

1 quotation marks omitted).

2 Pounce Mexico's administrative motion for leave to file evidentiary objections  
3 under separate cover is DENIED. Those objections are stricken.

4 Plaintiff's administrative motion to seal documents filed in support of plaintiff's sur-  
5 reply is DENIED IN PART and GRANTED IN PART. Pursuant to Civil L.R. 79-5 and 7-  
6 11, plaintiff filed five exhibits and its sur-reply under seal because those documents  
7 contained information that defendant Pounce Consulting, Inc. ("Pounce Consulting"),  
8 Thania Herrera, or third-party TableSafe, Inc. designated as "Confidential" under the  
9 Protective Order. Pounce Consulting filed a declaration showing good cause to keep one  
10 of those documents, Dkt. 101-8, Exhibit D, under seal. Kamanka v. City & County of  
11 Honolulu, 447 F.3d, 1172, 1178-1179 (9th Cir. 2006). Accordingly, the court GRANTS  
12 the motion as to that document and DENIES the motion as to the other documents.

13 Plaintiff's motion for sanctions is DENIED.

14 Pounce Mexico's motion to strike is DENIED.

15 Pounce Mexico's administrative motion to seal a document filed in support of its  
16 motion to strike is DENIED. No declaration was filed showing good cause for the  
17 document to remain sealed.

18 All documents for which motions to seal have been denied must be filed in the  
19 public docket within 7 days of the date of this order.

20 As stated at the hearing, Pounce Mexico shall file its answer within 21 days and  
21 shall be permitted to take reasonable discovery. The parties shall submit a stipulated  
22 modified case schedule within 14 days.


23 Lastly, the court again admonishes both parties for their conduct thus far in this  
24 litigation, especially as to the parties' apparent inability to meet and confer in good faith  
25 and inability to resolve discovery disputes without judicial intervention. Going forward,  
26 the parties are ORDERED to meet and confer about any discovery issues that arise and  
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to minimize the number of discovery disputes filed with Magistrate Judge Laporte.

**IT IS SO ORDERED.**

Dated: May 31, 2018



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PHYLLIS J. HAMILTON  
United States District Judge