

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

YELLOW BOOK USA, INC., et al.,

Plaintiffs,

-v-

STEVEN M. BRANDEBERRY,

Defendant.

Case No. 3:10-CV-025

Judge Thomas M. Rose

**ENTRY AND ORDER RESETTING BRANDEBERRY'S SHOW CAUSE
HEARING FOR FEBRUARY 25, 2014 AND REQUESTING THAT
YELLOWBOOK IMMEDIATELY PROVIDE ITS ADDRESS TO
BRANDEBERRY**

On December 17, 2013, this Court issued its Third Amended Order To Show Cause. (Doc. #143.) Therein, Steven M. Brandeberry ("Brandeberry") was ordered to appear before this Court on Friday, January 24, 2014, to show cause as to why he should not be held in contempt for failing to respond to this Court's Second Amended Show Cause Order. The Second Amended Show Cause Order required Brandeberry to show cause as to why he should not be held in contempt of this Court's order that he make a written report under oath setting forth in detail the manner and form in which he has complied with the Permanent Injunction that is part of the Final Judgment in this matter. (Doc. #140.)

In an un-notarized letter dated November 19, 2013, and received by this Court on January 2, 2013, Brandeberry indicates that he has complied with the Permanent Injunction that is part of the Final Judgment except that he has not yet assigned the AMTEL name to Yellowbook. (Doc. #144.) This letter indicates that Brandeberry believes that he will need a clear address for Yellowbook to assign the mark to Yellowbook.

The Permanent Injunction that is part of the Final Judgment asserts that Brandeberry must “immediately assign to Yellowbook and/or cancel the AMTEL trademark registration with the Ohio Secretary of State. The Court fails to see why Brandeberry needs “some clear address” for Yellowbook to cancel the AMTEL trademark registration with the Ohio Secretary of State.

Further, at this point, taking any action regarding this trademark does not show cause as to why Brandeberry should be held in contempt for failing to comply with this Court’s Order. Thus, an action for contempt of Court against Brandeberry is still pending.

However, in the interests of justice and of finally closing this case, Brandeberry is given another thirty (30) days from entry of this Order to “immediately assign to Yellowbook and/or cancel the AMTEL trademark registration with the Ohio Secretary of State.” Further, Yellowbook is to immediately provide an address to Brandeberry so that he can assign the AMTEL trademark to it if he so wishes.

Finally, Brandeberry is hereby ordered to appear before this Court on Tuesday, February 25, 2014 at 9:30 a.m. to show cause as to why he should not be held in contempt. The hearing originally set for January 24, 2014 is cancelled. Should Brandeberry make a written report to the Court under oath that he has complied with the Permanent Injunction, particularly the item requiring transfer or cancellation of the AMTEL trademark registration, the Court may, in its discretion, cancel the February 25, 2014 hearing.

DONE and ORDERED in Dayton, Ohio this Third Day of January, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record and Steven M. Brandeberry via registered mail at 97 Heritage Drive, Urbana,
Ohio 43078-9489