

**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 MARCH 25, 2014**

On December 17, 2013, this Court issued a 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. On January 6, 2014, Brandeberry's Show Cause Hearing was reset to February 25, 2014. (Doc. #145)

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 Judgement 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.” Yellowbook was ordered to immediately provide an address to Brandeberry so that he can assign the AMTEL trademark to it if he so wishes. Yellowbook now indicates that it has done so. (Doc. #146.)

Finally, Brandeberry was 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. However, because Brandeberry did not pick up at least some of his certified mail, the Court cannot confirm that he received the Order requiring him to appear on February 25, 2014. Therefore, Brandeberry’s Show Cause Hearing is reset for March 25, 2014. Brandeberry is order to appear before the Court on March 25, 2014 at 1:30 p.m. in Courtroom #2 of the Federal Building at 200 West Second Street in Dayton, Ohio, to show cause as to why he should not be held in contempt of Court.

Further, the Court is ordering the U.S. Marshal to serve this Order on Brandeberry and confirm that it has done so. 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 March 25, 2014 hearing.

DONE and ORDERED in Dayton, Ohio this Fourteenth Day of February, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record and Steven M. Brandeberry