

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GABBANELLI ACCORDIONS & IMPORTS, L.L.C.,	§	
	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-12-0381
	§	
HOHNER, INC., SHEILA LEE d/b/a HOUSTON ACCORDION PERFORMERS/ HERITAGE ARTS PRODUCTION, <i>et al.</i> ,	§	
	§	
	§	
Defendants.	§	

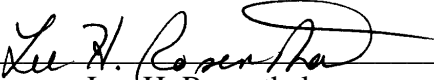
ORDER

On October 25, 2012, this court entered an order dismissing this case, (Docket Entry No. 36), because of the parties' joint motion to dismiss with prejudice based on a settlement agreement, (Docket Entry No. 35). Plaintiff Gabbanelli Accordions & Imports, L.L.C. ("Gabbanelli") has moved to enforce the terms of the settlement agreement. (Docket Entries No. 37, 38). Gabbanelli alleged that accordion-maker Hohner, Inc. ("Hohner"), (Docket Entry No. 37), and accordion-seller Sheila Lee, (Docket Entry No. 38), failed to comply with the terms of the parties' agreement. Gabbanelli alleged that Hohner violated the agreement by selling-off the infringing accordions instead of replacing and destroying the prohibit components. (Docket Entry No. 37, at 7). Gabbanelli alleged that Lee's website for her business, Houston Accordion Performers/Heritage Arts Production, continued to use a prohibited term in advertising her accordions. (Docket Entry No. 38, at 5). Hohner responded, arguing that it had the option of complying with the settlement agreement by selling the accordions rather than by destroying the infringing parts. (Docket Entry No. 39). Hohner also informed the court that it is no longer providing representation for Lee. (Docket Entry

No. 40). Lee wrote a letter to the court stating that she could not afford counsel and that her use of the prohibited term on her website was unintentional and that it is no longer there. (Docket Entry No. 41). Gabbanelli has responded to Hohner's argument, (Docket Entry No. 42), but has not responded to Lee's letter.

A hearing is set for **April 17, 2013 at 9:00 a.m.** in Courtroom 11-B to discuss the pending motions. Counsel and any unrepresented parties must attend.

SIGNED on April 3, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge