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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 ENPAC, LLC,

9 Plaintiff,

10 v.

11 CHASSIDY F. LUCAS d/b/a CB
12 STORMWATER,

13 Defendants.

CASE NO. C11-0037BHS

ORDER AMENDING
PRELIMINARY INJUNCTION
AND DENYING
DEFENDANTS' MOTION

14 This matter comes before the Court on Defendants CB Stormwater, LLC¹, and
15 Chassidy F. Lucas's ("Lucas") motion for declaratory judgment, summary judgment,
16 dismissal, and default (Dkt. 88) and the Court's order to show cause (Dkt. 97). The Court
17 has reviewed the briefs filed in support of and in opposition to the motion and the
18 remainder of the file and hereby denies the motion for the reasons stated herein.

19 **I. PROCEDURAL HISTORY**

20 On January 7, 2011, Enpac filed a complaint against Lucas for declaratory
21 judgment of patent invalidity and non-infringement and for violations of the Lanham Act,
22 15 U.S.C. § 1051, *et seq.* Dkt. 1.

23 Enpac also filed a motion for a preliminary injunction. Dkt. 2. On January 14,
24 2011, Enpac filed affidavits of service showing that both the complaint and the motion
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26 ¹ Subsequent to the filing of this action, CB Stormwater LLC was dissolved and Chassidy
27 Lucas is conducting the business as a sole proprietorship under the name CB Stormwater.
28 *See* Dkt. 63.

1 were served on Defendants. Dkts. 7 & 8. Lucas failed to respond to the motion. On
2 February 4, 2011, Enpac replied. Dkt. 11. On February 8, 2011, the Court granted the
3 motion and ordered that “Defendants are **ENJOINED** from representing or implying
4 that any products sold by Enpac infringe any claims of [Lucas’s] patent.” Dkt. 16 at 2
5 (emphasis in original).

6 On March 6, 2012, Enpac filed a motion for contempt. Dkt. 80. On April 9, 2012,
7 the Court denied the motion, but ordered Lucas to “show cause why the preliminary
8 injunction should not be amended to prevent Lucas from contacting any of Enpac’s
9 distributors or customers.” Dkt. 99. Lucas filed a response that same day. Dkt. 100. On
10 April 11, 2012, Enpac responded. Dkt. 101. Lucas filed a reply that same day. Dkt. 102.

11 On March 10, 2012, Lucas filed a brief entitled “Motion Request for Declaratory
12 Judgement, Summary Judgment, Dismissal, and Default.” Dkt. 88. On March 23, 2012,
13 Enpac responded. Dkt. 97.

14 **II. FACTUAL BACKGROUND**

15 Enpac asserts that, on February 28, 2012, Lucas contacted New Pig Corporation of
16 Tipton, Pennsylvania (“New Pig”). Dkt. 83, Declaration of Tracey Weyandt
17 (“Weyandt”), ¶ 2. Ms. Weyandt, a New Pig customer service representative, claims that
18 she answered a phone call from Lucas. *Id.* On February 29, 2012, Ms. Weyandt sent an
19 email stating that Lucas threatened to sue New Pig for advertising Enpac’s products on its
20 website. *Id.*, ¶ 4.

21 Lucas concedes that she contacted New Pig, but declares that she only inquired as
22 to whether Enpac’s product was available for sale. Dkt. 86, ¶ 11.

23 **III. DISCUSSION**

24 **A. Lucas’s Motion**

25 Although Lucas moves for both dismissal of Enpac’s claims and affirmative relief
26 of a declaratory judgment, Lucas fails to cite a single rule or law in support of theses
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28

1 requests. Moreover, Lucas fails to meet the burden for any dispositive motion. *See* Fed.
2 R. Civ. P. 12 & 56. Therefore, the Court denies Lucas's motion.

3 **B. Preliminary Injunction**


4 In response to the Court's order to show cause, Lucas confuses the issue of
5 protecting her patent with the issue of contacting Enpac's specific distributors. To be
6 clear, the Court is not enjoining Lucas from enforcing her rights under the patent laws.
7 However, for the course of this proceeding, the Court is enjoining Lucas's contact with
8 the distributors and sellers of Enpac's products. Therefore, the Court amends and
9 expands the preliminary injunction. Lucas is hereby informed that failure to comply with
10 the foregoing preliminary injunction may result in contempt of Court and monetary
11 sanctions.

12 **IV. ORDER**

13 Therefore, it is hereby **ORDERED** that Lucas's motion for declaratory judgment,
14 summary judgment, dismissal, and default (Dkt. 88) is **DENIED** and the preliminary
15 injunction (Dkt. 16) is amended as follows:

16 "Defendants are **ENJOINED** from representing or implying that any products sold
17 by Enpac infringe any claims of [Lucas's] patent and from contacting any distributor or
18 seller of Enpac's products."
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20 DATED this 20th day of April, 2012.

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23 BENJAMIN H. SETTLE
24 United States District Judge
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