

HON. RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC., a Washington Corporation,

Plaintiff,

vs.

KNITTING FEVER, INC., a New York Corporation, KFI, INC., a New York Corporation, DESIGNER YARNS, LTD., a corporation of England, EMMEPIEFFE SRL, an entity organized or existing under the laws of Italy, SION ELALOUF, an individual, JAY OPPERMAN, an individual, DEBBIE BLISS, an individual, and DOES 1-50

Defendants.

AND RELATED CROSS-ACTIONS.

Case No. 2:10-cv-00861 RSM

**ORDER REGARDING CR 37
SUBMISSION REGARDING CASCADE
YARNS, INC.'S INTERROGATORIES
TO KNITTING FEVER, INC.**

This matter is before the Court for consideration of plaintiff's unnoted Local Rule CR 37 joint motion to compel.¹ Dkt. # 362. Having considered the motion and response, the Court now finds and rules as follows:

¹ Although Local Rule CR 37(a)(1)(B) contemplates an expedited ruling on this joint submission, it was not properly noted as a motion, and does not appear on the Court's calendar. The Court was not alerted to this and other CR 37 joint submissions filed by plaintiff until a review of other motions on the docket brought them to the Court's attention.

1 **INTERROGATORY 4:** Identify the customers and the guarantees referenced in ¶57 of
2 your Answer to Cascade’s Second Amended Complaint.

3 **COURT’S RULING ON INTERROGATORY 4:** GRANTED IN PART and DENIED
4 IN PART. Defendant KFI shall provide a signed supplemental response identifying the Rule
5 33(d) designations by Bates numbers, and certifying that the answer is complete.

6 **INTERROGATORY 6:** Identify all tests of KFI Products. In your response include the
7 source of the sample (place where it was acquired), person procuring the same, person doing the
8 testing, and person paying for the same.

9 **COURT’S RULING ON INTERROGATORY 6:** GRANTED IN PART and DENIED
10 IN PART. The interrogatory as framed is overbroad. Scope should be limited to the yarns which
11 have been put at issue in this lawsuit, including those named on the list set forth at Exhibit A to
12 the Declaration of J. Slavitt, Dkt. # 366, Exhibit A; other Debbie Bliss yarns including Debbie
13 Bliss “Riva,” Dkt. # 367-2; and other yarn distributed by KFI whose label states that it contains
14 cashmere or milk fiber. Where the test result identifies the yarn by code, the name shall be
15 provided.

16 **INTERROGATORY 7:** Identify all tests of Cascade’s Products. In your response
17 include the source of the sample (place where it was acquired), person procuring the same, person
18 doing the testing, and person paying for the same.

19 **COURT’S RULING ON INTERROGATORY 7:** GRANTED IN PART and DENIED
20 IN PART. The interrogatory as framed is overbroad. Scope should be limited to the yarns which
21 have been put at issue in this lawsuit, including those named on the list set forth at Exhibit A to
22 the Declaration of J. Slavitt, Dkt. # 366.

23 **INTERROGATORY 9:** Identify all persons or entities to whom you have sold a product
24 labeled as Cashmere Luxury, include in your response the most recent date of such sale.

25 **COURT’S RULING ON INTERROGATORY 9:** GRANTED.

26

1 **INTERROGATORY 11:** Identify all returns or credits that you have issued as a result of
2 a customer complaint that a KFI Product was not properly labeled in accordance with any legal
3 requirements, such as composition, name of distributor, or country of origin. In your response,
4 state the customer, nature of the complaint, amount or substance of credit or return taken, and
5 date thereof.

6 **COURT'S RULING ON INTERROGATORY 11:** GRANTED.

7 **INTERROGATORY 13:** Identify all ownership interests or licensing agreements that
8 you have for any goods or services branded as Debbie Bliss. In your response indicate the nature
9 of the interest, the conferring party, and terms of such agreement.

10 **COURT'S RULING ON INTERROGATORY 13:** DENIED. The answers provided
11 are sufficient.

12 **INTERROGATORY 14:** Identify any licensing, branding, or marketing agreements
13 between you and Designer Yarns.

14 **COURT'S RULING ON INTERROGATORY 14:** GRANTED IN PART and
15 DENIED IN PART. Defendant shall produce the letter memorializing the agreement, referenced
16 in KFI's response to this motion.

17 **INTERROGATORY 16:** Who do you contend is responsible for the contents and
18 labeling of your products? If you contend that more than one person is so responsible, or if you
19 contend that the answer varies with different products, please Identify all of the persons, their
20 roles, and the respective products under their responsibility.

21 **COURT'S RULING ON INTERROGATORY 16:** GRANTED, subject to the
22 limitation to yarns at issue in this lawsuit as set forth above.

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24 **INTERROGATORY 18:** Identify all communications that you have made to your
25 employees, independent contractors, agents or customers regarding any purported mislabeling of
26 your products or the dispute with Cascade regarding the same.

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COURT’S RULING ON INTERROGATORY 18: DENIED as to oral communications, which may be explored in deposition. GRANTED as to written communications, which identification must be certified by counsel as complete.

INTERROGATORY 19: Identify all public electronic media marketing forums used by you, including the identity of the employee or agent involved. This would include all Ravelry forums, Facebook pages, Yahoo groups, Twitter accounts, as well as agent accounts, such as Nathan on Ravelry.

COURT’S RULING ON INTERROGATORY 19: GRANTED to the extent that counsel shall certify by signature that the answer is complete.

INTERROGATORY 20: With response to your statements of charitable donation to “The Mirasol Project,” Haiti earthquake relief, of Japan earthquake relief, Identify any donations that you made or are otherwise aware (i.e. a donation made by Designer Yarns). For each such donation, please state the amount, source (i.e. KFI or Designer Yarns), date, and recipient.

COURT’S RULING ON INTERROGATORY 20: DENIED.

DATED this 10 day of January, 2012.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:
SQUIRE, SANDERS & DEMPSEY (US) LLP

By /s/ Robert J. Guite
Robert J. Guite, WSBA No. 25753
Attorneys for Plaintiff and Counterclaim Defendants