

HON. RICARDO S. MARTINEZ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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 SION ELALOUF**

This matter is before the Court for consideration of plaintiff's unnoted Local Rule CR 37 joint motion to compel.¹ Dkt. # 385. 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 5:** Please state who you contend is responsible for the actual fiber
2 composition of “the Cashmerinos.” Please respond with respect to the wool, acrylic, cashmere
3 blend yarns sourced through VVG under either the Debbie Bliss, Louisa Harding, KFI
4 Cashmerino, Cashmere Luxury or other label which is or was sold by KFI. Please respond with
5 the name of the person who you contend has the responsibility of making such decision. If you do
6 not know the identity of the person, describe him as best as you can, including his employer or
7 role.

8 **COURT’S RULING ON INTERROGATORY 5:** GRANTED IN PART. Mr. Elalouf
9 shall supplement his response with a signature of counsel, certifying that the answer is complete.
10 The Court notes that plaintiff’s argument on this Interrogatory discusses mislabeling of yarns and
11 who is responsible for that, but the question posed in this Interrogatory addressed fiber
12 composition, not labeling. Mr. Elalouf has answered that question sufficiently in his Second and
13 Third Supplemental Responses and by providing a Rule 33(d) Specification of responsive
14 documents.

15
16 **INTERROGATORY 6:** Identify all yarns that you have either personally sent for fiber
17 analysis, or caused by request or other deliberate action to be sent. In your response, please
18 identify the source of the sample, person or company doing the testing, person undertaking the
19 collection of the sample, and date this was done.

20 **COURT’S RULING ON INTERROGATORY 6:** GRANTED IN PART and DENIED
21 IN PART. The Interrogatory as framed, naming “all yarns” is overbroad. The scope shall be
22 limited to the yarns at issue in this lawsuit, including all yarns on the list set forth at Exhibit A to
23 the Declaration of J. Slavitt, Dkt. # 389, Exhibit A; other Debbie Bliss yarns; and other yarns,
24 including third party yarns, that Mr. Elalouf has sent or caused to be sent for testing for cashmere
25 or milk fiber content. Mr. Elalouf shall provide a written answer to the Interrogatory in addition
26 to providing a Rule 33(d) list of responsive documents.

