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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 JAY OPPERMAN**

This matter is before the Court for consideration of plaintiff's unnoted Local Rule CR 37 joint motion to compel.¹ Dkt. # 391. Having considered the motion and response, the Court now finds and rules as follows:

INTERROGATORY 3: Identify all interests that you have or have had in Designer Yarns, including the amount of the same. In your response, specify the nature of your interest,

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 such as whether it involves only ownership or if it involves control, as well as, the manner in
2 which such interest was acquired, such as if part of a start-up investment, purchase, or non-
3 monetary transfer. Please include in your response, the party, if any, transferring such interest to
4 you.

5 **COURT'S RULING ON INTERROGATORY 3: GRANTED.**

6 **INTERROGATORY 4:** For the tradeshows that you have attended, either with KFI, Mr.
7 Elalouf or Designer Yarns, please state the person or entity that made travel and lodging,
8 arrangements and/ or paid or reimbursed you for the same. This specifically relates to your
9 attendance in Handerbeit und Hobby, Pitti Filatti, TNNA, NENA or similar. If your response
10 varies depending upon the show that you attended, please be specific in your response.

11 **COURT'S RULING ON INTERROGATORY 4: GRANTED.**

12 **INTERROGATORY 6:** Identify all manners in which you are or have received
13 compensation from KFI. (i.e. paid commission for sales in my territory, paid override commission
14 for acting as National Sales Manager, paid flat fee for training services for Euro division, and
15 receive profit sharing for sales to A.C. Moore). If your manner of compensation has changed,
16 please state periods in which it was in effect.

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

18 **INTERROGATORY 7:** Identify the nature and timing of any payments that you receive,
19 or have received, from Designer Yarns. (i.e. annual dividend, monthly salary, bi-annual profit
20 sharing check, etc).

21 **COURT'S RULING ON INTERROGATORY 7: DENIED.** The answer given is
22 deemed complete.

23 **INTERROGATORY 10:** Please state who you contend is responsible for the actual fiber
24 composition of "the Cashmerinos." Please respond with respect to the wool, acrylic, cashmere
25 blend yarns sourced through VVG under either the Debbie Bliss, Louisa Harding, KFI
26 Cashmerino, Cashmere Luxury or other label which is or was sold by KFI. Please respond with

1 the name of the person who you contend has the responsibility of making such decision. If you do
2 not know the identity of the person, describe him as best as you can, including his employer or
3 role.

4 **COURT’S RULING ON INTERROGATORY 10:** GRANTED IN PART. Mr.

5 Opperman shall supplement his response with a clear statement regarding his knowledge, or lack
6 of knowledge, regarding persons responsible for decision regarding fiber composition of the yarns
7 named.

8 **INTERROGATORY 12:** Identify all sales accounts that have personally expressed
9 accuracy of labeling concerns to you with respect to one of the wool, acrylic, cashmere blend
10 yarns sourced through VVG under either the Debbie Bliss, Louisa Harding, KFI Cashmerino,
11 Cashmere Luxury or other label which is or was sold by KFI. In your response, please indicate
12 the approximate date of such occurrence and what actions, if any, were taken by you or KFI.

13 **COURT’S RULING ON INTERROGATORY 12:** GRANTED IN PART. Mr.

14 Opperman shall supplement his Rule 33(d) designation with signature of counsel. Further, he
15 shall supplement his response with a written answer identifying, to the best of his recollection,
16 any sales accounts that expressed concerns to him over accuracy of labeling since January of
17 2006.

18 DATED this 10 day of January 2012.

19 

20 RICARDO S. MARTINEZ
21 UNITED STATES DISTRICT JUDGE

22 Presented by:

23 SQUIRE, SANDERS & DEMPSEY (US) LLP

24 By /s/ Robert J. Guite
Robert J. Guite, WSBA No. 25753

25 Attorneys for Plaintiff and Counterclaim
26 Defendants