

Slip Copy, 2012 WL 4044864 (N.D.Ga.)
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United States District Court,
N.D. Georgia,
Atlanta Division.
TRACFONE WIRELESS, INC., a Delaware corporation, Plaintiff,
v.
GCA ELECTRONICS, LLC, et. al., Defendants.

No. 1:07-cv-3084 TCB.
Sept. 13, 2012.

[Aaron S. Weiss](#), [Maria C. Montenegro](#), Carlton Fields, P.A., Miami, FL, [Gail Podolsky](#), [James Jay Wolfson](#), Carlton Fields, PA, Atlanta, GA, [James B. Baldinger](#), Carlton Fields, P.A., West Palm Beach, FL, for Plaintiff.

[Ashish D. Patel](#), Thompson Hine LLP, Robert M. Ward, Atlanta, GA, [D. Fernando Bobadilla](#), D. Fernando Bobadilla, P.A., Ft. Lauderdale, FL, [Heidi Hudson Raschke](#), Butler Pappas Weihmuller Katz Craig, LLP, Tampa, FL, for Defendants.

ORDER

[TIMOTHY C. BATTEN](#), Senior District Judge.

*1 **ORDER THIS MATTER** came before the Court pursuant to the Motion to Reopen and for Contempt (the "Motion") filed by Plaintiff TracFone Wireless, Inc. Upon review of the Motion and the entire record in this case, as well as the arguments of counsel at the September 13, 2012 hearing, it is hereby **ORDERED** and **ADJUDGED** that:

1. The Motion be and hereby is **GRANTED IN PART**.

2. The case will be reopened with respect to Defendants GCA Electronics, LLC and Gunawan Lie ("Defendants").

3. Defendants are in civil contempt for their violations of the Court's July 23, 2008 Final Judgment and Permanent Injunction.

4. Paragraph 17 of the Final Judgment and Per-

manent Injunction provides that Defendants shall be sanctioned for their contempt "in the amount of \$5,000 per TracFone/NET10 Prepaid Phone Defendants are found to have bought, sold, unlocked, re-flashed or otherwise altered in violation of this permanent injunction and \$20,000 per TracFone C-139 Unlocking Solution or TracFone/NET10 Unlocking Solution Defendants are found to have bought, sold, advertised or otherwise utilized in violation of this permanent injunction." [DE 60 at ¶ 17]. These amounts may be established through affidavit, deposition testimony, and/or documentary evidence. The Court has yet to determine the amount of sanctions to be imposed against Defendants.

5. The Court also finds Defendants' actions necessitate an award of the attorneys' fees and costs TracFone incurred in enforcing compliance with the Final Judgment and Permanent Injunction. After the conclusion of these enforcement proceedings, TracFone may file an affidavit and supporting documentation regarding its fees and costs.

6. The Court further finds that expedited discovery is necessary to determine the amount of TracFone/NET10 Unlocking Solutions Defendants have bought, sold, advertised or otherwise utilized and if Defendants are violating any other provisions of the Final Judgment and Permanent Injunction. Therefore, TracFone is permitted to serve discovery, including, but not limited to, requests for production of documents, requests for inspection, and notices of deposition. Responses to any written discovery will be due ten calendar days after service.

7. In addition to the methods provided for under the Federal Rules of Civil Procedure, TracFone shall be permitted to serve discovery pursuant to this Order by email, facsimile, or FedEx, and Defendants so served shall treat such discovery as if served pursuant to the Federal Rules of Civil Procedure.

DONE and ORDERED.

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