

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Tomahawk Manufacturing, Inc., et al. v. Spherical Industries, Inc., et al.

Tomahawk Manufacturing · No. 2:23-cv-01007-APG-NJK · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Nevada denied without prejudice Plaintiffs’ motion for an order to show cause and contempt sanctions based on alleged violations of a protective order. The Court held that the motion failed to identify and apply the governing legal authority and standards, and allowed Plaintiffs to file a renewed motion by December 16, 2025.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Nancy J. Koppe
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 9, 2025
DOCKET	2:23-cv-01007-APG-NJK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for an order to show cause and contempt sanctions based on alleged violations of a protective order through disclosure of confidential case information to nonparties.
STANDARD OF REVIEW	The court evaluated whether the motion adequately identified the legal authority and governing standards necessary to support contempt or discovery sanctions; no deferential appellate standard of review was applicable.
PRECEDENTIAL VALUE	unpublished

TOPICS

- contempt
- sanctions
- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery sanctions
- contempt
- trade secrets litigation

QUESTIONS PRESENTED

1. Whether plaintiffs' motion for an order to show cause and contempt sanctions adequately identified the legal authority and standards governing alleged violations of a protective order.
2. Whether the motion should be denied without prejudice because the requested relief was framed inconsistently and was not supported by a structured application of the governing standards.

HOLDINGS

1. A motion seeking sanctions for violation of a protective order must identify clearly delineated legal authority and demonstrate that the requirements of that authority are satisfied; Federal Rule of Civil Procedure 37(b)(2) provides comprehensive authority for enforcement of discovery orders, including protective orders issued under Rule 26(c).
2. A motion framed as seeking civil contempt must identify a coercive objective and must not seek relief inconsistent with the nature of civil contempt or more specifically governed by other legal authorities.

KEY QUOTATIONS

“sanctions must be imposed under clearly delineated authority upon a finding that the attendant requirements are met.” (at 1)

“civil contempt sanctions, which are meant to coerce compliance.” (at 2)

“The pending motion fails to comply with that requirement, so the Court DENIES it without prejudice.” (at 3)

FACTUAL BACKGROUND

Plaintiffs alleged that defendants or defense counsel improperly disclosed confidential information from the case to nonparties, allegedly violating a protective order and possibly sealing orders. Plaintiffs sought an order to show cause and civil contempt sanctions, although the motion characterized the alleged harm as irreversible. The motion also referenced discovery sanctions, the court's inherent authority, and 28 U.S.C. § 1927 without clearly explaining the applicable standards or how the alleged conduct satisfied them.

PROCEDURAL HISTORY

The motion was filed in the pending civil action under Docket No. 588. The district court denied the motion without prejudice because it did not identify and apply the governing legal authority in a structured manner and sought relief under inconsistent legal frameworks. The court permitted plaintiffs to file a renewed motion by December 16, 2025, subject to specified briefing requirements.

DISPOSITION

other

CASES CITED

- Weissman v. Quail Lodge, Inc., 179 F.3d 1194, 1200 (9th Cir. 1999)

- Keegan Mgmt. Co. Sec. Litig., 78 F.3d 431, 435 (9th Cir. 1996)
- Westinghouse Elec. Corp. v. Newman & Holtzinger, P.C., 992 F.2d 932, 935 (9th Cir. 1993)
- Falstaff Brewing Corp. v. Miller Brewing Co., 702 F.2d 770, 784 (9th Cir. 1983)
- Bateman v. U.S. Postal Serv., 231 F.3d 1220, 1224 (9th Cir. 2000)
- Gen. Signal Corp. v. Donallco, Inc., 787 F.2d 1376, 1380 (9th Cir. 1986)
- Tomahawk Mfg., Inc. v. Spherical Indus., Inc., 2025 WL 342094, at *1 (D. Nev. Jan. 30, 2025)
- McCart-Pollak v. Saevitzon, 2025 WL 1706894, at *3 (D. Nev. June 17, 2025)

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