

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PRECEDENTIAL VALUE	unpublished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)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 8 Tomahawk Manufacturing, Inc., et al., Case No. 2:23-cv-01007-APG-NJK 9 Plaintiff(s), Order 10 v. [Docket No. 588] 11 Spherical Industries, Inc., et al., 12 Defendant(s). 13 Pending before the Court is Plaintiffs' motion for order to show cause why Defendants 14 should not be held in contempt for violating the protective order.

Docket No. 588. For the reasons 15 discussed below, the Court DENIES without prejudice Plaintiffs' motion. 16 Plaintiffs allege that Defendants (and/or defense counsel) have improperly provided 17 confidential information from this case to non-parties.

The motion suffers from threshold 18 deficiencies, both with respect to the legal authority cited on which relief is sought and the framing 19 of the relief sought.¹ Beginning with the former, sanctions must be imposed under clearly 20 delineated authority upon a finding that the attendant requirements are met. See Weissman v. Quail 21 Lodge, Inc., 179 F.3d 1194, 1200 (9th Cir.

1999); see also Keegan Mgmt. Co. Sec. Litig., 78 F.3d 22 431, 435 (9th Cir. 1996). Rule 37(b)(2) of the Federal Rules of Civil Procedure provides 23 comprehensive authority for enforcement of discovery orders, including protective orders issued 24 pursuant to Rule 26(c). Westinghouse Elec. Corp. v. Newman & Holtzinger, P.C., 992 F.2d 932, 25 935 (9th Cir. 1993) (quoting Rule 37(b) Advisory Comm.

Notes (1970)); see also, e.g., Falstaff 26 27 1 Although the legal issues herein have not been addressed in the briefing, the Court has its own duty to articulate and apply the law correctly even when the parties have failed to do so. 28 Bateman v. U.S. Postal Serv., 231 F.3d 1220, 1224 (9th Cir. 2000). 1 Brewing Corp. v. Miller Brewing Co., 702 F.2d 770, 784 (9th Cir.

1983). The instant motion does 2 not cite to Rule 37(b)(2), let alone identify the standards applicable to that rule and explain in 3 structured fashion how the standards are met.² 4 The relief sought is also meandering and inconsistent.

The motion is framed as seeking 5 civil contempt sanctions, which are meant to coerce compliance. See, e.g., Gen. Signal Corp. v. 6 Donallco, Inc., 787 F.2d 1376, 1380 (9th Cir. 1986).

The motion, however, indicates that the 7 damage from the alleged disclosure is irreversible. Docket No. 588 at 9. Hence, it is not clear 8 what exactly Plaintiffs seek to coerce.

Moreover, the forms of relief more specifically enumerated 9 in the motion are covered by other legal authority. See, e.g., Fed. R. Civ. P. 37(b)(2)(A)(iii) 10 (striking pleadings); Fed. R. Civ. P. 37(b)(2)(A)(vi) (default judgment); Fed. R. Civ. P. 37(b)(2)(C) 11 (payment of expenses, including fees); see also Fed. R. Civ. P. 37(b)(2)(A) (permitting issuance 12 of “further just orders” upon a finding of a violation of a discovery order).

13 In short, the pending motion raises troubling allegations. As Plaintiffs’ counsel have 14 already been advised in this case, however, motions seeking significant sanctions must be 15 supported by clear argument that is structured pursuant to the governing standards. See *Tomahawk 16 Mfg., Inc. v. Spherical Indus., Inc.*, Case No. 2:23-cv-01007-APG-NJK, 2025 WL 342094, at *1 17 (D.

Nev. Jan. 30, 2025) (collecting cases). The pending motion fails to comply with that 18 requirement, so the Court DENIES it without prejudice. If Plaintiffs continue to seek relief 19 regarding the specific conduct alleged in this motion, they must file a renewed motion by 20 December 16, 2025. That motion must identify the specific legal authority that governs the 21 request, must identify the standards that apply thereto, and must provide robust discussion as to 22 23 24 2 Although the motion cites in passing different legal authorities, it appears to be predicated on inherent authority.

See, e.g., Docket No. 588 at 7-8. Courts do not generally invoke their 25 inherent authority when the rules are up to the task of addressing an issue. See, e.g., *McCart- Pollak v. Saevitzon*, 2025 WL 1706894, at *3 (D. Nev. June 17, 2025).

The motion references 26 violations of sealing orders (in addition to the protective order), but the motion does not clearly explain why it is not centrally predicated on the protective order. See Docket No. 105. If Plaintiffs 27 believe Rule 37(b)(2) is not sufficiently comprehensive to address the issues raised, then they must explain why that is the case.

The motion also references § 1927 sanctions, but fails to explain how 28 the alleged conduct multiplied proceedings. 1} how the standards are met. Counsel must ensure that any renewed motion is properly supported, as the Court will not afford additional opportunities to brief the issues. 3 IT IS SO ORDERED. 4 Dated: December 9, 2025 Nancy J. Kovpe 6 United States Magistrate Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28