

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

YIWU BAIMEI ELECTRONIC COMMERCE
CO., LTD.,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

Case No. 25-cv-09810

Judge Jorge L. Alonso

Magistrate Judge Gabriel A. Fuentes

**PLAINTIFF'S MOTION TO STAY BRIEFING, OR, IN THE ALTERNATIVE, FOR
EXTENSION OF TIME TO RESPOND TO D.E. 48**

Plaintiff Yiwu Baimei Electronic Commerce Co., Ltd. ("Plaintiff" or "Yiwu Baimei"), moves to stay briefing or, in the alternative, to extend the time for Plaintiff to file a response to Third Party Xiao Qingchao's renewed Motion to Intervene [D.E. 48] by a period of fourteen (14) days, or through November 20, 2025. In support of its request, Plaintiff states as follows:

FACTUAL AND PROCEDURAL BACKGROUND

1. On August 18, 2025, Plaintiff filed its Complaint alleging a violation of 15 U.S.C §1114 (trademark infringement), 15 U.S.C. § 1125(a) (false designation of origin), 815 ILCS § 510, et seq. (violation of the Illinois Uniform Deceptive Trade Practices Act), and 17 U.S.C §101 et seq. (copyright infringement). [D.E. 1].

2. On August 28, 2025, Plaintiff filed its Motion for TRO, including a Temporary Injunction and Temporary Asset Restraint. [D.E. 14]. This Court granted this Motion on September 2, 2025. [D.E. 17].

3. On September 8, 2025, Plaintiff moved to extend the TRO by a period of fourteen

(14) days. [D.E. 22]. This Court granted this Motion on September 11, 2025. [D.E. 25].

4. On September 24, 2025, Third Party Xiao Qingchao, the purported lessee and operator of Defendant store No. 31, JiaGAJewelry, filed a pro se appearance in the case. [D.E. 32]. Third Party Xiao Qingchao also previously filed a Motion to Intervene, Motion for Extension of Time, a Motion to Deny Plaintiff's TRO and Preliminary Injunction, Motion to Compel Plaintiff to Submit Bond and Request for Increased Bond Amount, Exhibit A, Proposed order Exempting Jiagajewelry (Defendant No. 31) from TRO and PI, Proposed Order and Status Report [D.E. 30, 32, 36, 38, 39, 41, 48, 49, 51, 52, 60, respectively], all of which were disposed of by this Court.

5. On September 25, 2025, Plaintiff filed its Motion for Preliminary Injunction. [D.E. 35].

6. On September 30, 2025, this Court entered a Minute Order granting Plaintiff's Motion for Preliminary Injunction. [D.E. 43]. This Court subsequently entered a Preliminary Injunction Order. [D.E. 44].

7. On October 1, 2025, Third Party Xiao Qingchao filed its Renewed Motion to Intervene in the Case. [D.E. 48].

8. On October 16, 2025, this Court entered a Minute Order setting a deadline of November 6, 2025 for Plaintiff to respond to Third Party Xiao Qingchao's Renewed Motion to Intervene. [D.E. 63].

9. On October 16, Defendant No. 31 contacted Plaintiff seeking to begin negotiating a settlement for this case.

10. As of the date of this filing, Plaintiff and Defendant No. 31 have entered into the preliminary stages of settlement negotiation. Plaintiff's last correspondence from Defendant No. 31 was on November 5, 2025.

11. On November 4, 2025, Plaintiff filed its Motion for Entry of Default and Default Judgment. [D.E. 69]. Defendant No. 31, on whose behalf Third Party Xiao Qingchao seeks to intervene, is included in this Motion.

12. Should Plaintiff reach a settlement agreement with Defendant No. 31, Third Party Xiao Qingchao's Motion to Intervene will be rendered moot. Likewise, Third Party Xiao Qingchao's Motion to Intervene will be rendered moot if the Court grants Plaintiff's Motion for Default Judgment.

13. Federal courts have the inherent power to stay proceedings to prevent the court or litigants from wasting time, effort, or resources. *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). When deciding whether to stay a case, "courts consider the merits of the moving party's case, whether the moving party will suffer irreparable harm without a stay, whether a stay will injure other parties interested in the proceeding, and the public interest." *Venckiene v. United States*, 929 F.3d 843, 853 (7th Cir. 2019) (citing *Nken v. Holder*, 556 U.S. 418, 428 (2009) and *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)). "The standard calls for equitable balancing." *Id.* see *Quarles v. Pret A Manger (USA) Ltd.*, No. 1:20-cv-7179, 2021 WL 1614518, at *1 (N.D. Ill. Apr. 26, 2021) (Shah, J.).

14. Plaintiff requests this Court stay briefing on Third Party Xiao Qingchao's Motion to Intervene to further explore the possibility of reaching a settlement with Defendant No. 31.

15. Plaintiff has not previously moved to extend the deadline to file its response.

16. The instant motion is not brought for purposes of harassment or delay.

17. Plaintiff respectfully submits that Defendant No. 31's circumstances demonstrate the challenges faced by intellectual property rights holders such as Plaintiff who are forced to bring Schedule A lawsuits to protect and defend those rights against pirating copycats such as Defendants, including those on behalf of which Third Party Xiao Qingchao now seeks to intervene. The allegations of Plaintiff's Complaint as to the methods utilized by Defendant to attempt to conceal their identity and the inner workings of their operations and the failure of third party service providers like Walmart to verify the identity of those who do business on their ecommerce platforms are not merely rhetorical. [D.E. 1 at 27, 31-36, 47-50]

18. Based on the circumstances of Defendant No. 31, a stay is necessary to permit Plaintiff to further investigate the identities and location of defendants that Third Party Xiao Qingchao seeks to intervene on behalf of. A stay is also in the interest of judicial efficiency as it will permit the Court to resolve Plaintiff's currently pending motion for default judgment, [D.E. 69] leaving only Defendant No. 34 and thus simplifying and streamlining the case. Further, Plaintiff continues to attempt to resolve the issues raised by Third Party Xiao Qingchao in its motion in hopes of avoiding the expense of further briefing and the burden on the Court of processing the motion, including an evidentiary hearing. *Promatek Indus., Ltd. v. Equitrac Corp.*, 300 F.3d 808, 814 (7th Cir. 2002). ("An evidentiary hearing is required if the nonmoving party raises genuine issues of material fact in response to a motion for a preliminary injunction.").

19. Alternatively, Plaintiff moves for an extension of time.

20. Fed. R. Civ. P., Rule 6(b)(1) states that "When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires."

21. The opinion of *McCann v. Cullinan* set forth the standard:

“Consequently, under Rule 6, when a party seeks an extension of time, the court may extend the time if good cause is shown. Fed.R.Civ.P. 6(b)(1). But Rule 6 differentiates between requests for extensions made *before* the time has expired and requests made *after* the time has expired. If the request is made before the time has expired, then only good cause must be shown. *Under Rule 6*, ‘good cause’ is not a high standard. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir.2010) (good cause is a non-rigorous standard).” 2015 WL 4254226 *7 (N.D. Ill. July 14, 2015).

22. In this case, the deadline for Plaintiff to respond had not elapsed at the time the request to extend was filed, therefore, the “good cause” standard applies.

23. Plaintiff requests additional time to further explore the possibility of reaching a settlement with Defendant No. 31.

24. Plaintiff has not previously moved to extend the deadline to file its response.

23. The instant motion is not brought for purposes of harassment or delay.

25. As noted above, grant of Plaintiff’s Motion for extension of time is in the interest of judicial efficiency, as it will permit the Court to resolve Plaintiff’s currently pending motion for default judgment, [D.E. 69] leaving only Defendant No. 34 and thus simplifying and streamlining the case.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that the Court grant the following relief:

- 1) That the Court stay briefing on Third Party Xiao Qingchao’s Motion to Intervene;
- 2) In the alternative, that Plaintiff may have an extension of fourteen (14) days from November 6, 2025 until November 20, 2025 to file its Response to Third Party Xiao Qingchao’s Motion to Intervene;
- 3) Any further and additional relief that the Court deems necessary and appropriate.

Respectfully submitted this 5th of November, 2025.

/s/ L. Ford Banister, II
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