

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JIM VENABLE COMPANY, INC.

PLAINTIFF

v.

Case No. 4:11-cv-639-DPM

**DAVID DELVALLE, an individual
d/b/a/ Window Depot USA of Buffalo;
WINDOW DEPOT OF BUFFALO, LLC,
a New York limited liability company; and
ELIZABETH DELVALLE, an individual**

DEFENDANTS

ORDER

The Court set a preliminary-injunction hearing for 22 September 2011 at 1:30 p.m. None of the Defendants appeared at the hearing. After hearing argument from the Plaintiff, and considering all the papers filed of record, the Court made the following rulings:

- (1) the hearing on the merits of Plaintiff's motion for injunctive relief is continued to 7 October 2011 at 9:00 a.m. to ensure that the Defendants have notice and personal jurisdiction can be addressed;
- (2) the parties may conduct discovery on the issue of personal jurisdiction between now and October 7th;
- (3) David Delvalle may not represent the interests of Window Depot of Buffalo, LLC, because the LLC may only appear in federal court if it is represented by a lawyer, *Rowland v.*

California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-03 (1993);

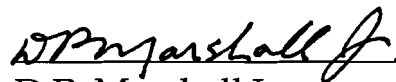
(4) if the Delvalles intend to continue representing themselves, then they must immediately provide the Court and counsel opposite with current working telephone numbers and email addresses;

(5) the Plaintiff is directed to give Defendants notice of the October 7th hearing, and to file proof of notice, by 30 September 2011; and

(6) the Clerk is also directed to serve this Order via regular mail *and* certified mail with return receipt requested on David Delvalle individually at 2710 Walden, Suite 100, Cheektowaga, New York, 14277; Elizabeth Delvalle individually at 2710 Walden, Suite 100, Cheektowaga, New York, 14277; and Window Depot of Buffalo, LLC, c/o David Delvalle, at 2710 Walden, Suite 100, Cheektowaga, New York, 14277.

The Court notifies Defendants that it will hear argument about, and evidence on, Plaintiff's motion for a preliminary injunction on October 7th. And the Court intends to decide that motion at the end of the hearing. Defendants should appear and defend.

So Ordered.



D.P. Marshall Jr.
United States District Judge

23 September 2011