

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**TERRY DELAMATER, individually
and dba FAMILY FITNESS OF
ROYAL, LLC,**

Plaintiff,

v.

ANYTIME FITNESS, INC.,

Defendant.

NO. 1:09-CV-2025 AWI-SMS

**ORDER REGARDING THE
PARTIES' EX PARTE
COMMUNICATIONS**

On April 5, 2010, Defendant Anytime Fitness ("Defendant") submitted a letter to the court requesting that the court schedule an evidentiary hearing in connection with Defendant's "anticipated motion for a preliminary injunction." On April 7, 2010, Plaintiff Terry Delamater ("Plaintiff") submitted a letter in response to Defendant's April 5 letter, requesting that the court refrain from hearing any arguments or motions related to preliminary injunctions until the court has ruled on the parties' cross-motions for summary judgment.

Defendant, however, has not filed a formal motion for a preliminary injunction in accordance with Local Rule 231.¹ Therefore, the only pending motions before the court are the parties' cross-motions for summary judgment. The court only acts upon properly filed pleadings and not ex parte communications. The parties are admonished that correspondence to the court designed as motions are inappropriate and any further ex parte communications will not be considered by the court.

IT IS SO ORDERED.

Dated: April 13, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE

¹Defendant's reference to a motion for preliminary injunction embedded within its reply in a footnote is wholly insufficient to comply with L.R. 231. See Doc. No. 38 at page 19.