

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 CHONG'S PRODUCE, INC.,

No. C 14-00497 CW

5 Plaintiff,

ORDER REGARDING

MOTION FOR

6 v.

PRELIMINARY

INJUNCTION AND NEW

7 SHALIMAR INDIAN & PAKISTANI
8 RESTAURANT, LLC, AND SHAIQ
9 MOHAMMAD,

DEFENDANTS

(Docket No. 6)

10 Defendants.

11 _____/

12 On February 3, 2014, Plaintiff Chong's Produce, Inc. filed
13 this action against Former Defendants Polani Financials &
14 Investment Corporation and Prabhakar Polani. Two days later,
15 Plaintiff filed a motion for temporary restraining order and
16 preliminary injunction against Former Defendants. The Court
17 denied the TRO, but set a hearing date for the motion for
18 preliminary injunction. Docket No. 15. Former Defendants
19 provided Plaintiff with information showing that they were not the
20 proper defendants. After reviewing the information, Plaintiff
21 filed a First Amended Complaint (FAC) removing Former Defendants
22 and naming Defendants Shalimar Indian & Pakistani Restaurant, LLC
23 and Shaiq Mohammad. Docket No. 26. On March 4, 2014, Plaintiff
24 served both Defendants. Docket Nos. 29, 30. Plaintiff filed an
25 ex parte motion to continue the preliminary injunction hearing to
26 allow Defendants adequate time to respond. Docket No. 31. The
27 Court granted the motion and set the hearing for April 10, 2014.
28 Docket No. 32. Plaintiff never filed an amended preliminary
injunction motion against Defendants, instead choosing to rely on

1 the previously-filed preliminary injunction motion filed against
2 Former Defendants. Defendants therefore do not have proper notice
3 that a preliminary injunction might issue against them.

4 Accordingly,

5 Plaintiff's preliminary injunction motion is DENIED as moot
6 because the motion was filed against the Former Defendants who are
7 no longer parties to the case.

8 To achieve expedient resolution of this issue, Plaintiff may
9 follow an expedited schedule for any amended preliminary
10 injunction motion against the current Defendants. Plaintiff may
11 file and notice an amended preliminary injunction motion
12 addressing the current Defendants, including evidence showing that
13 an injunction should issue against them, no later than April 14,
14 2014. Service shall take place no later than April 15, 2014.
15 Defendants may file a response no later than April 21, 2014. A
16 hearing shall be held on Plaintiff's amended preliminary
17 injunction motion on April 24, 2014 at 2:00 PM.

18 IT IS SO ORDERED.

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20 Dated: 4/9/2014



CLAUDIA WILKEN
United States District Judge

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