

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FRESH & BEST PRODUCE, INC. dba FRESH )  
AND BEST, a California corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MICHAEL F. WALLAU ENTERPRISES, INC., )  
a California corporation, and MICHAEL F. )  
WALLAU, an individual, and DOES 1 to 10, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No.: 10-CV-05109-LHK  
ORDER REGARDING PROOF OF SERVICE

On November 12, 2010, in conjunction with its Order Denying Ex Parte Motion for TRO, the Court set a preliminarily injunction hearing and ordered Plaintiff to serve Defendants with the summons, complaint, and all other documents filed in this case. Plaintiff has not filed proof of service with the Court, and Defendants have not appeared or filed an opposition. Plaintiff is reminded that this Court may not grant a preliminary injunction without notice to the adverse party. Fed. R. Civ. Pro 65(a)(1). Accordingly, if Plaintiff wishes to pursue its motion for a preliminary injunction, Plaintiff must file proof of service with the Court no later than Monday, November 29, 2010, at 4 p.m.

**IT IS SO ORDERED.**

Dated: November 12, 2010

  
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LUCY H. KOH  
United States District Judge