

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.06-cv-02528-JLK-CBS

CHRIS BRAY, et al.

Plaintiffs,

v.

QFA ROYALTIES LLC, a Delaware limited liability company,

Defendants.

ORDER

KANE, J.

This matter, set for a preliminary injunction hearing this Friday, December 22, 2006, is before me on Defendant QFA Royalties LLC (“QFA”)’s Motion for Leave to Take Expedited Discovery and for Short Continuance of Hearing (Doc.12) filed this morning. Given the impending Christmas holiday and in the absence of a temporary restraining order, a continuation of Friday’s hearing risks limiting my ability to preserve the status quo ante and create the irreparable harm that temporary or preliminary injunctive relief is intended to avoid during the pendency of a dispute. Accordingly, the request for continuance of Friday’s hearing is **DENIED**. The hearing will proceed as scheduled at **9:00 a.m.** (or as soon thereafter as my ongoing jury trial permits), but will take the form of a hearing on a request for a temporary restraining order together with a status/scheduling conference on matters, including any expedited discovery schedule,

related to the conduct of a meaningful preliminary injunction hearing at the earliest available time.

Because I am inclined to issue a TRO to preserve the status quo *before* the dispute between Quizno's and its franchisees arose (i.e., before Quizno's actions terminating or initiating the termination of the franchisees under the parties' franchise agreements), and because the parties are best able to anticipate the actions or cessation of actions necessary to preserve that status quo, the parties are **ORDERED** to **MEET** and **CONFER** regarding the terms of an appropriate TRO and submit a proposed form of Order by **noon** on **Thursday, December 21, 2006**. If the parties cannot agree to terms, Plaintiff shall submit a proposed form of Order by **5:00 p.m. that same day**. While I will not issue an order until after I have heard from the parties on Friday, Defendant is admonished to undertake no action (or fail to take any action) before then that would operate to compromise the ability to enter a meaningful TRO on Friday to preserve the status quo ante as set forth above.

Dated December 19, 2006.

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE