

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-01509-MSK

BIG O TIRES, LLC, a Nevada limited liability company f/k/a BIG O TIRES, INC., a Colorado corporation,

Plaintiff,

v.

D&T AUTO SALES & SERVICES, INC., an Indiana corporation;
T&M SALES AND SERVICE, INC., an Indiana corporation;
WILLIAM T. MEEK and
MARY E. MEEK,

Defendants.

**ORDER SETTING LAW AND MOTION HEARING
WITH REGARD TO MOTION FOR PRELIMINARY INJUNCTION**

THIS MATTER comes before the Court pursuant to the Plaintiffs' Motion for Preliminary Injunction (#2).

The Court will conduct a **non-evidentiary** hearing on **July 29, 2009**, at **11:00 a.m.** to address the above-referenced motion. At this hearing, the parties should be prepared to address the following issues: (i) whether an evidentiary hearing is necessary on the Motion for Preliminary Injunction; (ii) if so, how much time is necessary to conduct the hearing; (iii) when the hearing should be held; (iv) what discovery is contemplated, and when the parties anticipate conducting such discovery; and (v) whether, pursuant to Fed. R. Civ. P. 65(a)(2), trial on the merits of the claim in the Complaint should be advanced and consolidated with the hearing on the Motion for Preliminary Injunction.

The docket does not indicate whether the Plaintiffs have yet served the Summons and

Complaint on the Defendants. If such service has yet to occur, the Plaintiffs shall effectuate service on the Defendants no later than **July 3, 2009**, or show cause why such service cannot promptly be effectuated.

If properly served with the Summons and Complaint, the Defendants shall file a response to the Motion for Preliminary Injunction on or before **July 23, 2009**.

Counsel may appear at this hearing by telephone. To appear telephonically, counsel and any *pro se* parties shall contact the Courtroom Deputy at **303-335-2185** no later than two court days before the hearing to make arrangements.

DATED this 29th day of June, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style with a dot over the 'i' in "Krieger".

Marcia S. Krieger
United States District Judge