

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DIMARE RUSKIN, INC.
Plaintiff,

v.

CIVIL ACTION NO.
3:15-CV-00289 (VLB)

M&M PRODUCE INC.; DAVE MAKAS;
STEVEN PORTER;
AND PATRICK J. MILIO
Defendants.

MARCH 2, 2015

TEMPORARY RESTRAINING ORDER

This matter is before the Court upon Plaintiff Dimare Ruskin, Inc.'s Application for Temporary Restraining Order pursuant to Rule 65 of the Federal Rules of Civil Procedure. Upon reading the declaration of Linda Alexander in Support of Plaintiff's Motion for Temporary Restraining Order, Motion for Preliminary Injunction executed on February 26, 2015, the exhibits annexed thereto, and the memorandum of law in support of plaintiff's motion, it is hereby

ORDERED, ADJUDGED AND DECREED that the above-named Defendants show cause before this Court in Courtroom Three, 450 Main Street, Hartford, Connecticut, on March 12, 2015 at 4:00pm, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendants, their customers, agents, officers, subsidiaries, assigns, banking institutions and related entities, during the pendency of this action, from alienating, dissipating, paying over or assigning any assets of

M&M Produce, Inc. or its subsidiaries or related companies, except for payment to Plaintiffs, until further order of this Court or until Defendants pay Plaintiff the aggregate amount of \$295,330.50 by bank check or wire transfer, at which time this order is dissolved; and it is further

ORDERED that Defendants, and all other persons or entities holding assets of and owing to the Defendants, including without limitation, any customers, agents, officers, subsidiaries, assigns and financial institutions, shall not transfer, alienate, dissipate, pay over or assign any assets of M&M Produce, Inc., or any entity which it controls and shall hold in trust such assets for the benefit of Plaintiff and any similarly situated creditors, up to the amount of \$295,330.50, until further order of this Court; and it is further

ORDERED that within five (5) days of the date of this order:

a) Defendants shall file with this Court, with a copy to Plaintiff's counsel, an accounting which identifies all assets and liabilities and each account receivable and payable of M&M Produce, and any entity which it controls or which is under common control, notarized and signed under penalty of perjury; and

b) Defendants shall supply to Plaintiff's attorney any and all documents in connection with its respective assets and liabilities and those of any entities it controls or which is under common control, including, but not limited to, the most recent statement for any and all depository, bank, brokerage, investment or other account

