

**UNITED STATES DISTRICT COURT
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

OSBORNE ASSOCIATES, INC.,
d/b/a Generations Salon Services,

Plaintiff,

v.
SHERYL CANGEMI, et al.,

Case No. 3:17-cv-1135-J-34MCR

Defendants.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for a Preliminary Injunction with Incorporated Memorandum of Law (Doc. 3; Motion), filed on October 11, 2017. Plaintiff Osborne Associates, Inc, d/b/a Generations Salon Services (Osborne) initiated this action against Defendants Julie Calianno, Sheryl Cangemi, and Silver Salons & Spas LLC (Silver Salons), on October 10, 2017. See Plaintiff's Verified Complaint and Demand for Jury Trial and Injunctive Relief Sought (Doc. 1; Complaint), filed on October 10, 2017.

On October 12, 2017, the Court sua sponte noted inconsistencies in Osborne's request for injunctive relief, in that the Plaintiff included within its motion for preliminary injunctive relief a request for a temporary restraining order, but without citing to, or following the procedures required for temporary relief. See Order (Doc. 7, Order), filed on October 12, 2017. The Court therefore construed Osborne's motion as one solely seeking entry of a preliminary injunction, and not for a restraining order. The Court also noted that Osborne had not yet effected service of process on Defendants in accordance with Rule 4, Federal Rules of Civil Procedure (Rules(s)). Id. at 3.

Plaintiffs have now effected service of the Complaint and the Motion on Defendants Calianno, Cangemi, and Silver Salons & Spas, LLC. See Proof of Service (Doc. 12, Doc. 13, Doc. 14), filed October 16, 2017. Therefore, Osborne has now complied with the procedural requirements of Rule 65, Federal Rules of Civil Procedure (Rule(s)), and Rule 4.06, Local Rules, United States District Court, Middle District of Florida (Local Rule(s)), which govern the procedure for seeking a preliminary injunction. Upon further review of the Motion and the record, the undersigned finds that an expedited briefing schedule and hearing are appropriate.

In light of the foregoing, it is **ORDERED**:

1. Plaintiff's Motion for a Preliminary Injunction with Incorporated Memorandum of Law (Doc. 3) is **TAKEN UNDER ADVISEMENT**.
2. Plaintiff Osborne shall promptly serve a copy of this Order on Defendants Calianno, Cangemi, and Silver Salons & Spas., and file a notice advising the Court when it has done so.
3. This matter is set for a **HEARING** on Plaintiff's Motion for a Preliminary Injunction with Supporting Memorandum of Law (Doc. 3) on **Thursday, November 2, 2017, at 10:30 a.m.**, before the undersigned at the Bryan

Simpson United States Courthouse, 300 North Hogan Street, Jacksonville, Florida, 32202, in Courtroom 10B. Counsel for Plaintiff and Defendants shall appear in person and telephonic appearances will not be permitted.¹

4. The hearing will be conducted in accordance with Local Rule 4.06, and Rule 65. The case does not appear to involve the exceptional situation wherein the Court will allow the parties to submit evidence at the hearing. See Local Rule 4.06(b). Thus, the hearing will be limited to the written submissions and arguments of counsel.

5. The following expedited briefing schedule shall govern this case:
 - a. Defendants shall have up to and including **Wednesday, October 25 2017**, to file a memorandum in opposition to Plaintiff's Motion for a Preliminary Injunction with Supporting Memorandum of Law (Doc. 3), including any affidavits or declarations on which they rely.

¹ All persons entering the Courthouse must present photo identification to Court Security Officers. Although cell phones, laptop computers, and similar electronic devices generally are not permitted in the building, attorneys may bring those items with them upon presentation to Court Security Officers of a Florida Bar card (presentation of the Duval County Courthouse lawyer identification card will suffice) or Order of special admission pro hac vice. However, all cell phones must be turned off while in the courtroom.

- b. Plaintiff shall have up to and including **5 p.m. on Tuesday, October 31, 2017**, to file a reply, if necessary, in support of its motion for preliminary injunction, which shall not exceed **TEN (10) PAGES** in length.

DONE AND ORDERED in Jacksonville, Florida on October 17, 2017.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:
Counsel of Record