

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.05-80393-Civ-Hurley/Hopkins


STELOR PRODUCTIONS, LLC
Plaintiff,

vs.

STEVEN A. SILVERS,
Defendant.

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.L. OF FLA. - WPB

FILED BY _____
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D.C.


**ORDER SETTING EVIDENTIARY HEARING ON PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION (DE 2)**

THIS CAUSE, having come before this Court upon an Order Referring Plaintiff's Motion for Preliminary Injunction to Magistrate Judge for a Report and Recommendation, (DE 7), and being otherwise advised on the premises, it is hereby **ORDERED AND ADJUDGED** that:


- 1) Plaintiff and Defendants shall appear before this Court on **Monday, May 23, 2005 at 11:00 a.m.**, at the United States Courthouse, at the United States Courthouse, 300 South Sixth Street, Ft. Pierce, Florida, 34950.
- 2) The Court has reserved **one (1) hour** for this evidentiary hearing. Should additional time be required, the party requiring additional time is hereby **ORDERED** to immediately notify the Court, by written motion, of how much additional time will be required.
- 3) Any motions for continuance of the hearing must be in writing and properly filed with the court prior to the date of the hearing. Should a motion for continuance be granted, the moving party shall notify all other parties after the Court has reset the date and time of the hearing.



4) The Plaintiff's counsel shall, upon receipt of this order, serve a copy of this order upon all Defendants in this action via facsimile, or overnight delivery where delivery by facsimile may not be effectuated.

5) Due to the expedited nature of this matter, this Court will consider accepting into evidence all declarations and transcripts which have been filed in this action by Plaintiff. *See Heideman v. South Salt Lake City*, 348 F.3d 1182, 1188 (10th Cir. 2003) (noting that the Federal Rules of Evidence do not apply to preliminary injunction hearings, *citing SEC v. Cherif*, 933 F.2d 403, 412, n.8 (7th Cir. 1991); *Asseo v. Pan Am. Grain Co.*, 805 F.2d 23, 25-26 (1st Cir. 1986); *United States v. O'Brien*, 836 F. Supp. 438, 441 (S.D. Ohio 1993).

DONE and ORDERED in Chambers this 12 day of May, 2005, at West Palm Beach in the Southern District of Florida.



JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

Copies to:
Kevin C. Kaplan, Esq. (Counsel for Plaintiff)
Stephen A. Silvers