

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

CIVIL ACTION NO. 13-362-KKC

PREMIUM FINANCIAL GROUP, LLC,

PLAINTIFF,

V.

MEMORANDUM, OPINION, & ORDER

**MPVF LHE LEXINGTON, LLC
(f/k/a MPVF IHR LEXINGTON, LLC),**

DEFENDANT.

This matter was initially filed in Kentucky state court, and was removed to this Court on October 28, 2013. On October 30, 2013, the Court held a telephonic status conference to address Premium's motion for a temporary restraining order and to determine the status of the case. (DE 7). During the telephonic conference, the Court denied Premium's request for a temporary restraining order, finding that because no sale of the property in dispute was imminent, no immediate relief was appropriate. (DE 7). The parties expressed willingness to resolve this matter by mutual agreement and through continued settlement negotiations. The Court provisionally set a hearing for Wednesday, November 6, 2013 to address Premium's motion for a preliminary injunction should the negotiations fail. (DE 7). The parties agreed to contact chambers by Monday, November 4, 2013 to inform the Court whether the hearing was necessary. (DE 7). Since the telephonic conference, the Court has received phone calls indicating that Mr. Getty, attorney for Premium, needs additional time to prepare for a preliminary injunction hearing. The Court has also received MPVF's motion to quash certain subpoenas issued and served by Premium. (DE 10). This Court recognizes that time is of the essence in this matter, but the parties have represented to the Court that no sale is currently

pending on the property at issue. The importance of this matter warrants an expedient but thoughtful resolution.

Accordingly, this Court orders as follows:

1. The hearing, set for Wednesday, November 6, 2013 at 10:00 AM, is SET ASIDE pending further order of the Court.
2. This matter is referred to Magistrate Judge Wier to assist the parties in developing a scheduling order and discovery plan that is reasonable both in terms of time and content.
3. Magistrate Judge Wier will assist the parties in determining the legal issues for this Court to resolve, including whether Premium is asserting that MPVF breached the contract by making an invalid first offer *or* whether Premium is asserting that MPVF made a valid first offer that Premium either accepted or made a counter offer to with an addendum. The Magistrate Judge will also assist in any factual issues that need to be developed in discovery.
4. Magistrate Judge Wier will issue an order to address how and when he will resolve the dispute concerning the subpoenas.

This 5th day of November, 2013.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY