

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CONCORDIA PARTNERS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 2:13-cv-415-GZS
)	
MARCELLE PICK & PICK)	
ENTERPRISES, LLC,)	
)	
)	
Defendants.)	

PROCEDURAL ORDER & REPORT OF CONFERENCE

On December 6, 2013, the Court held a conference of counsel to discuss how to proceed with the motions currently pending in this matter. Attorney Daniel Nuzzi appeared on behalf of Plaintiff. Attorney Elliott Epstein appeared for Defendants.

Prior to the conference, Attorney Nuzzi notified the Court that there is a December 10, 2013 hearing scheduled in Concordia Partners LLC v. Marcelle Pick et al., Cumberland County Superior Court Docket No. PORSC-CV-2013-00135, a related state court action (hereinafter, the “state action”). See ECF No. 15. At the conference, Attorney Nuzzi explained that, in the state action, Concordia has filed a motion for preliminary injunction that is substantially similar to the motion currently pending before this Court. He further represented that the December 10th hearing will be an oral argument, not an evidentiary hearing. The Court ordered that Attorney Nuzzi file copies of all of motion papers submitted in connection with the state court preliminary injunction motion. To the extent that the exhibits are the same as the attachments previously filed on this docket, Plaintiff shall so indicate and need not re-file duplicate attachments to the state court papers.

In light of the counsel’s representation at the conference, the Court hereby ORDERS:

- (1) Plaintiff’s response to Defendant’s Motion to Dismiss (ECF No. 13) shall be filed no later than December 16, 2013. Defendant need not file any reply to the Motion to Dismiss. Should Defendant determine a brief reply is necessary, the Court will consider any reply filed by December 20, 2013.

(2) Defendant's response to Plaintiff's Motion for Preliminary Injunction (ECF No. 3) shall be filed by December 26, 2013. The Court will consider any reply filed by Plaintiff on or before January 3, 2013.

(3) No later than December 12, 2013, counsel shall notify the court of the result of the December 10, 2013 hearing in the state action. To the extent that the state court issues any written or oral ruling on the motion for preliminary injunction, counsel shall notify the Court of that ruling within 24 hours of receipt. Going forward, counsel shall file a copy of any written ruling or notice of hearing in the related state court case within 24 hours of receipt.

As was discussed at the conference, before the end of the calendar year, the Court expects that counsel will confer regarding how to efficiently proceed with this case in light of the related state litigation and overlapping factual issues. The Court anticipates that once the Motion for Preliminary Injunction (ECF No. 3) is fully briefed and under advisement, it will schedule a further conference of counsel to discuss setting a hearing on the Motion for Preliminary Injunction.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 6th day of December, 2013.