

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PVS-NOLWOOD
CHEMICALS, INC.,

Plaintiff,

vs.

Case No. 13-CV-10731
HON. GEORGE CARAM STEEH

UNIVAR USA, INC., et al.,

Defendants.

ORDER GRANTING IN PART PLAINTIFF'S MOTION TO HOLD DEFENDANT UNIVAR
IN CONTEMPT (DOC. # 64) AND GRANTING PLAINTIFF'S EMERGENCY MOTION
TO MODIFY SCHEDULING ORDER (DOC. # 86)

On May 23, 2013, plaintiff filed a motion requesting that the court hold defendant Univar in contempt of court for violating the court's March 4, 2013 temporary restraining order. The court held oral argument on this request on July 2, 2013.

For the reasons stated on the record, plaintiff's motion for contempt is **GRANTED IN PART**. This ruling is based upon the court's finding of a violation of the temporary restraining order and does not reflect any explicit determination concerning contempt. As stated in open court, defendant Univar shall disgorge \$6,000 in profits attributable to the specifically discussed sales to Advancing-Eco Agriculture. This amount is to be paid within 10 days of this order, directly to plaintiff PVS-Nolwood Chemicals, Inc. The court's award of this sum to PVS does not represent a comprehensive determination of damages on the issue; the court anticipates that the \$6,000 would operate as a set off in the event plaintiff

ultimately realizes a recovery on its claims.

Furthermore, as stated on the record, the court will decline to make an award of attorney fees, and is reserving the question as to whether an extension of the injunctive period applicable to Advancing-Eco Agriculture is appropriate.

Regarding plaintiff's motion to modify the scheduling order, as discussed with the parties, plaintiff has been granted an extension until midnight, July 8, 2013 to submit its expert reports. Defendant may have an equivalent extension to file its expert reports. Finally, the parties' agreed-upon date of July 9 for submission of their preliminary injunction post-hearing briefs has been further extended to July 11, 2013.

IT IS SO ORDERED.

Dated: July 2, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 2, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk