

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

BMO HARRIS BANK N.A.

PLAINTIFF

V.

CIVIL ACTION NO.: 1:18-cv-14-SA-DAS

MONTANA FARMS, LLC,
ALONZO SYKES,
ANGELENA COOK, and
TERRY MCINTOSH

DEFENDANTS

ORDER EXTENDING TRO

This matter comes before the Court on the parties' agreed *ore tenus* motion to extend the Court's Temporary Restraining Order [27] issued against Defendants.

On March 16, 2018, this Court entered a Temporary Restraining Order barring Defendants and any of their responsible managing agents, officers, directors, or employees (acting within the scope of his or her office or employment), and any other person or entity in active concert or participation with the Defendants having actual notice of the Temporary Restraining Order by personal service or otherwise:

from transporting, using, pledging, encumbering, selling, transferring, or disposing of the Retained Collateral either in the operation of the business of the Defendant Borrowers or otherwise, except as may be necessary to move or transport the Retained Collateral in order to comply with this Order after the delivery of any third-party freight now loaded thereon, and, without limiting the generality of the foregoing, the Borrowers are specifically ordered not to load any third-party freight on the Retained Collateral.

The Restraining Order was set to expire on April 3rd, 2018 at 6:45 PM, one day after this Court's originally scheduled hearing on Plaintiff's Motion for Preliminary Injunction. However, on March 30, 2018, Defendants' Counsel informed the Court of his inability to attend said hearing

due to incapacitating physical injury. Thereafter, opposing Counsel agreed to reschedule the hearing on the Motion for April 6, 2018.

However, the collateral at issue in this dispute is left unprotected without extension of the Court's protective order. Therefore, parties have communicated consent to extend the TRO until April 6, 2018 at 6:45 PM. Such extension is for good cause, as the Court should have the opportunity to hear arguments regarding the alleged defaults under the security interests at issue in this matter before relief may be granted, and Plaintiff has demonstrated that there will be a continuation of the circumstances of irreparable injury if the assets are left unprotected.

Conclusion

The Court grants the agreed request for an extension to the Temporary Restraining Order to the extent noted above. Plaintiff's request for a preliminary injunction and replevin remain pending until this Court's hearing on Friday, April 6, 2018 at 2:30 PM.

SO ORDERED this the 2nd day of April, 2018.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE