

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PERFICIENT, INC.,)
)
 Plaintiff,)
)
 vs.) Case No. 4:16 CV 249 CDP
)
 NICHOLAS PRIORE,)
)
 Defendant.)

MEMORANDUM AND PRE-HEARING ORDER

For the reasons stated on the record during the temporary restraining order hearing held on February 29, 2016,

IT IS HEREBY ORDERED that the motion for temporary restraining order [6] is granted consistent with the Temporary Restraining Order entered February 29, 2016 [22].

IT IS FURTHER ORDERED that this matter is set for a preliminary injunction hearing on **March 14, 2016 at 9:30 a.m. in Courtroom 14-South.**

IT IS FURTHER ORDERED that the motion to continue hearing [17] and the motion to dismiss [14-1] are denied.

IT IS FURTHER ORDERED that plaintiff shall file its opposition to the motion to transfer venue [14-2] by **5:00 p.m. on March 3, 2016.** Defendant may file any reply brief in support of his motion to transfer by **5:00 p.m. on March 4, 2016.**

IT IS FURTHER ORDERED that the motion to file under seal [4] and the consent motion to file under seal [15] are granted.

IT IS FURTHER ORDERED that the motion to expedite discovery [7] is denied as moot, as the following schedule shall apply to the preliminary injunction hearing and will be modified only upon a showing of exceptional circumstances:

1. Plaintiff shall propound any written discovery to defendant by **5:00 p.m. on February 29, 2016**, and defendant shall file his responses to written discovery by **5:00 p.m. on March 7, 2016**. Plaintiff shall provide its responses to any written discovery propounded by defendant within seven calendar days of service and by 5:00 p.m. on that date.

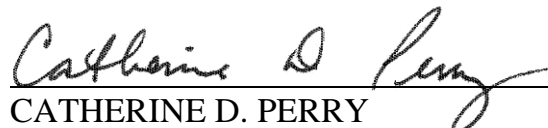
2. Any depositions shall be conducted on **March 9-10, 2016**.

3. Defendant shall file any supplemental opposition to the request for preliminary injunction by **5:00 p.m. on March 9, 2016**.

4. Estimated Length of Hearing: No later than **5:00 p.m. on March 10, 2016** the parties must file a JOINT statement of the estimated length of time for the hearing.

5. Plaintiff shall file its proposed findings of fact and conclusions of law in support of a preliminary injunction, together with a trial brief citing authorities in support of its legal theories, a bond proposal as required by Federal Rule of Civil Procedure 65(c), and a proposed form of preliminary injunction (with a word processing version of this document emailed to my judicial assistant) by **5:00 p.m. on March 11, 2016**.

6. No later than **5:00 p.m. on March 11, 2016**, each side shall file a list of all witnesses that party expects to call at the hearing and a list of all exhibits that party expects to introduce into evidence (pre-marked, Plaintiff to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft-A).



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of March, 2016.