

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

AVITUS, INC.,

Plaintiff/Counter-Defendant,

vs.

NEA DELIVERY, LLC and  
NICHOLAS BULCAO, individually,

Defendants/Counter-Claimants,

CV 17-69-BLG-TJC

**ORDER**

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AVITUS, INC.,

Third-Party Plaintiff,

vs.

AMERICAN ZURICH INSURANCE  
COMPANY,

Third-Party Defendant.

On March 23, 2018, the Court held oral argument with respect to defendants/counter-claimants NEA Delivery, LLC’s and Nicholas Bulcao’s (collectively, “Defendants”) Motion for a Mandatory Preliminary Injunction. (Doc. 21.) For reasons stated on the record at oral argument, the Court finds that Defendants have failed to satisfy any of the four necessary elements for the

issuance of a preliminary injunction set forth in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Accordingly,

IT IS ORDERED that Defendants' Motion for a Mandatory Preliminary Injunction (Doc. 21) is **DENIED**.

DATED this 23rd day of March, 2018.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge