

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**M. SCOTT BARRETT,**

**Plaintiff,**

**vs.**

**THOMAS D. REYNOLDS, and EARLY  
AMERICAN COIN GALLERY, LLC,**

**Defendants.**

**CASE NO. 8:12CV328**

**ORDER**

This matter is before the Court on the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction ("TRO Motion"). (Filing No. 31.) Prior to filing his TRO Motion, Plaintiff filed a Motion for Preliminary Injunction. (Filing No. 22.) It appears that the Plaintiff has merely relabeled the Motion for Preliminary Injunction as a motion for a temporary restraining order to obtain an immediate hearing and to circumvent the response time to which the Defendant would be entitled on a motion for preliminary injunction. It is also noted that the Plaintiff filed his original Complaint, alleging a breach of contract and related causes of action, more than one month prior to filing his Motion for Preliminary Injunction. Although the Plaintiff may have discovered evidence of the Defendants' "sham transactions" since filing the original Complaint, Plaintiff represents that his recently discovered evidence relates to transactions that occurred prior to the time the Plaintiff filed his original Complaint. (See Filing No. 32 at CM/ECF p. 3.)

After reviewing the Plaintiff's Motions and Complaint, the Court concludes that a temporary restraining order is not needed to preserve the status quo pending resolution of the Plaintiff's Motion for Preliminary Injunction. Therefore, the Plaintiff's TRO Motion

will be denied, without prejudice, and the Plaintiff's concerns will be addressed when the Court hears the Plaintiff's Motion for Preliminary Injunction, after the Defendants have had an opportunity to respond to that Motion, in accordance with the Federal Rules of Civil Procedure<sup>1</sup> and this Court's Local Rules.<sup>2</sup> Accordingly,

IT IS ORDERED:

1. The Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Filing No. 31) is denied, without prejudice; and
2. The Defendants shall file their opposition to the Plaintiff's Motion for Preliminary Injunction (Filing No. 22) on or before November 13, 2012.

Dated this 30<sup>th</sup> day of October, 2012.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

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<sup>1</sup> See Fed. R. Civ. P. 6(c), (d).

<sup>2</sup> See NECivR 6.1(b), 7.0.1(b)(1)(B).