

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

The Mortgage Specialists, Inc.,  
et al.

v.

Civil No. 13-cv-00156-JL

NH Banking Department,  
Commissioner

**PROCEDURAL ORDER: PRELIMINARY INJUNCTION HEARING**

The plaintiffs' motion to amend complaint (doc. no. 18) is GRANTED.

A preliminary injunction hearing is scheduled for **May 13, 2013 at 1:00 p.m.** Plaintiffs' counsel has elected that the hearing will proceed on oral argument, as opposed to the presentation of evidence.

On or before **May 8, 2013**, the parties shall **jointly** file:

- a **single timeline** setting forth all pertinent dates, times, and events, in whatever format the parties jointly choose (in other words, the parties need not comply with Local Rule 5.1(a) with respect to the timeline);
- a **single Statement of Agreed Facts** followed by a Statement of Disputed Facts. The disputed facts are not an invitation to advocacy (i.e., "The plaintiff can not establish irreparable harm because....." or "There is a strong likelihood of success on the merits because...."). The parties should simply list facts they intend to establish at the hearing, or which they contend will not be established by the adverse party at the hearing.

On or before **noon** on **May 10, 2013**, each party shall file proposed findings of fact and rulings of law.

Counsel shall confer (preferably in person, or else by telephone) in a good-faith effort to identify all areas of

agreement and to make the statement of facts and timeline as comprehensive as possible, so that open court presentations can focus on matters truly in dispute. Counsel are expressly discouraged from simply "recycling" factual statements submitted during previous motion practice in this case.

Counsel shall confer before the hearing to identify all areas of agreement and disagreement as to the admissibility of each exhibit.

On or before **noon** on **May 10, 2013**, the plaintiff shall file a proposed order in compliance with Rule 65 and Local Rule 65.1. The order shall specifically address the amount of the bond, if any, under Rule 65(c).

**SO ORDERED.**



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Joseph N. Laplante  
United States District Judge

Dated: May 1, 2013

cc: Michael S. Parousis, Esq.  
Nancy J. Smith, Esq.