

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**United Subcontractors Inc.,  
d/b/a Fairview/Majestic Fireplaces**

**Plaintiff,**

**-against-**

**06-CV-1016**

**Hudson View Fireplaces, Inc. and  
Jade Craven,**

**Defendants.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**ORDER**

Plaintiff's *ex parte* application for an Order to Show Cause and a Temporary Restraining Order is denied for failure to comply with N.D.N.Y.L.R. 7.1(e),<sup>1</sup> N.D.N.Y.L.R. 7.1(f) ("Any application for a temporary restraining order must be served on all other parties unless Fed. R. Civ. P. 65 otherwise permits."), and Fed. R. Civ. P. 65(b)(2), and for failure to address the issue of

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<sup>1</sup> Local Rule LR 7.1(e) provides in relevant part:

In addition to the requirements set forth in Local Rule 7.1(a)(1) and (2), a motion brought by Order to Show Cause **must include an affidavit clearly and specifically showing good and sufficient cause why the standard Notice of Motion procedure cannot be used. Reasonable advance notice of the application for an Order to Show Cause must be given to the other parties, except in those circumstances where the movant can demonstrate, in a detailed and specific affidavit, good cause and substantial prejudice that would result from the requirement of reasonable notice.**

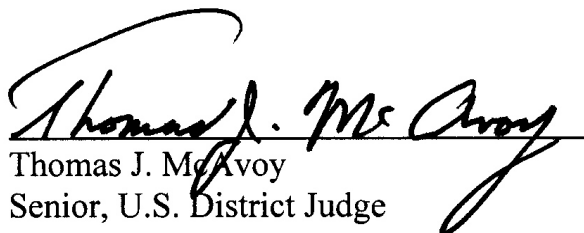
N.D.N.Y.L.R. 7.1(e)(emphasis added).

proper security as required by Fed. R. Civ.P. 65(c).

The application may be renewed upon proper papers.

**IT IS SO ORDERED**

DATED: August 24, 2006

  
Thomas J. McAvoy  
Senior, U.S. District Judge