

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EMPERY TAX EFFICIENT, LP,

Plaintiff,

- against -

MUSCLEPHARM CORPORATION, WHITE WINSTON  
SELECT ASSET FUNDS, LLC, WHITE WINSTON  
SELECT ASSET FUND SERIES MP-18, LLC,  
and RYAN DREXLER,

Defendants.

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23 Civ. 74 (VM)

ORDER

**VICTOR MARRERO, United States District Judge.**


On January 17, 2023, plaintiff Empery Tax Efficient, LP ("Plaintiff") filed a joint letter on behalf of all the parties in response to the Court's Order, dated January 11, 2023. (See Dkt. No. 22.) Upon the request of the parties, the Court hereby adjourns the show cause hearing on Plaintiff's request for injunctive relief, currently scheduled for January 26, 2023. However, the hearing on Plaintiff's contempt motion, also set for January 26, 2023 at 11:00 a.m., will proceed as scheduled.

Further, upon the request of the parties, the Court will consider and decide Plaintiff's motion for remand to the Supreme Court of New York, New York County prior to considering defendant Ryan Drexler's anticipated motion to transfer venue. The Court hereby approves the proposed briefing schedule on Plaintiff's motion for remand. Plaintiff

shall file its three-page letter motion for remand on January 16, 2023. Defendants shall respond via three-page letter by January 19, 2023, and Plaintiff may file a one-page reply by January 20, 2023. The Court will not take further action regarding Plaintiff's request for limited expedited discovery on its contempt motion until the motion for remand is decided.

**SO ORDERED.**

Dated: 17 January 2023  
New York, New York



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Victor Marrero  
U.S.D.J.