

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-cv-00347-D

LULU ENTERPRISES, INC.,

Plaintiff,

vs.

N-F NEWSITE, LLC,

ORDER

and

HULU TECH, INC.,

Defendants.

This matter is before the Court on the joint motion of Plaintiff Lulu Enterprises, Inc. and Defendant N-F NewSite, LLC (“NewSite”) for modification of this Court’s September 12, 2007 Order and to establish a discovery and scheduling order prior to hearing on Plaintiff’s Motion for Preliminary Injunction. Based upon the pleadings, joint motion and representations of counsel, and other matters of record before the Court, and for good cause shown, it is hereby ORDERED that:

1. The Joint Motion to Modify Order is GRANTED;
2. The hearing on Plaintiff’s Motion for a Temporary Restraining Order is hereby cancelled and all other deadlines, including the deadlines for filing certain submissions with respect to Plaintiff’s Motion for Expedited Discovery and Motion for a Temporary Restraining Order, as set forth in the Court’s Order of September 12, 2007 are vacated.

2. The parties are ordered to expeditiously conduct discovery and briefing on Plaintiff's Motion for a Preliminary Injunction as set forth below:
 - a. All discovery initiated by either party and necessary for determination of the Motion will be completed no later than October 5, 2007. All such discovery will be expedited and limited in scope. The parties will submit to the Court a plan for such discovery no later than Tuesday, September 18, 2007.
 - b. Each party will serve its primary brief in support of or in opposition to the Motion no later than October 9, 2007.
 - c. Each party may serve a reply brief not to exceed ten (10) pages by October 11, 2007.
 - d. The Court will conduct a hearing on Plaintiff's Motion for Preliminary Injunction on October ____, 2007 at _____ a.m./p.m.

IT IS SO ORDERED this the ____ day of September, 2007.

James C. Dever, III
United States District Court Judge