

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CSI1000, INC. d/b/a ARCHIVE1024,

Plaintiff,

vs.

NO. 3:13-CV-638

BISHOP TECHNOLOGIES, INC.;
ARCHIVE360, INC.; ROBERT DESTENO;
MARGARET DESTENO; TIBERIU POPP;
ADELINA POPP; FIVE TIMES, LLC;
RBD CONSULTING, LLC; DALE
MCVEEN,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Doc. No. 3) and Plaintiff's Motion to Expedite Discovery (Doc. No. 14). FRCP 65(b) requires that, in order to obtain a temporary restraining order without notice, the moving party demonstrate not only that immediate and irreparable injury, loss, or damage will result before the adverse party can be heard in opposition, but also that the movant certify in writing the efforts made to give notice and the reasons why notice should not be required. Because Plaintiff's Motion does not address the efforts made to give notice or the reasons why notice should not be required, the Court finds that Plaintiff has not met the stringent burden for obtaining a temporary restraining order without notice.

On December 11, 2013, the Court noticed a hearing set for January 31, 2014 to address Plaintiff's Motion for a Preliminary Injunction. In advance of that hearing, the Court finds it warranted and necessary, based on the entirety of the record to date, the nature of the

alleged harm and relief requested, and the reasonableness of the request in light of the circumstances, that the parties engage in expedited discovery. The parties are reminded that requests for discovery must be specifically tailored to a preliminary injunction determination. The parties are not to engage in full fact discovery, but only as to information that would be helpful to the Court's determination of injunctive relief.

IT IS THEREFORE ORDERED that

- 1) Plaintiff's Motion for a Temporary Restraining Order is **DENIED**;
- 2) The Court will hold a hearing on Plaintiff's Motion for a Preliminary Injunction on January 31, 2014 at 11am;
- 3) Plaintiff's Motion for Expedited Discovery in advance of the January 31 hearing (Doc. No. 14) is **GRANTED** as follows:
 - a. Defendants are required to respond to Plaintiff's interrogatories and document requests within 15 days of the date of this Order, unless both parties consent to a later date;
 - b. The parties are to conduct depositions of all party Defendants no later than January 10, 2014, unless both parties consent to a later date;
 - c. Plaintiff is authorized to serve subpoenas to other persons with whom Defendants have had communications relevant to the allegations in the Complaint and the Motion for a Preliminary Injunction.

SO ORDERED.

Signed: December 19, 2013



Graham C. Mullen
United States District Judge

