

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Case No. 3:15-cv-181

DITCH WITCH OF CHARLOTTE, INC.,
d/b/a Ditch Witch of the Carolinas,

Plaintiff,

v.

BANDIT INDUSTRIES, INC.,

Defendant.

ORDER

THIS MATTER came before the Court on the Plaintiff's Motion for Leave to Take Early Discovery, pursuant to Rule 26(d)(1) of the Federal Rules of Civil Procedure and Local Rule 16.1(F). Pursuant to Local Rule 7.1, the matter was considered without oral argument.

The Court has fully considered the matter and finds that good cause exists to grant the motion, for the reasons set forth in the Plaintiff's Motion and Memorandum in Support.

It is hereby ORDERED and adjudged that Plaintiff's motion is GRANTED. Accordingly, it is ORDERED that:

1. The Defendant shall, within thirty (30) days from the date of this Order, produce for inspection and copying documents responsive to "Plaintiff's Expedited Request for Production of Documents to Defendant," attached as Exhibit 1 to the Plaintiff's Motion for Leave to Take Early Discovery.
2. The Plaintiff is permitted to serve a subpoena *duces tecum* on Yancey Bros. Co, seeking communications between Yancey Bros. Co. and any agent or employee of the Defendant.

3. The Plaintiff is permitted, within thirty (30) days from the date of this Order, to take the depositions of the following persons: Jerry Morey, President of Bandit Industries, Inc.; Jason Morey, Sales Manager at Bandit Industries, Inc.; and Alan Hyman, Regional Sales Manager at Bandit Industries, Inc. At this stage, deposition questions will be limited only to areas of inquiry relevant to the Plaintiff's motion for preliminary injunction.

IT IS SO ORDERED.

Signed: May 11, 2015.

Signed: May 11, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

