

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:24-CV-00779-FDW-DCK**

**MARINER FOUNDATION,** )  
**MOUNTAIN ISLAND DAY COMMUNITY** )  
**CHARTER SCHOOL,** )  
) )  
**Plaintiffs,** )  
) )  
**v.** )  
) )  
**LISA LEWIS,** )  
**MEGAN ZUGELDER MAY,** )  
**INSPIRE PERFORMING ARTS COMPANY,** )  
**LLC,** )  
) )  
**Defendants.** )  
) )

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**ORDER**

**THIS MATTER** is before the Court on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunctive Relief pursuant to Rule 65 of the Federal Rules of Civil Procedure, (Doc. No. 2). After careful consideration, Plaintiffs’ Motion for Temporary Restraining Order is DENIED. The Court will DEFER ruling on Plaintiffs’ Motion for Preliminary Injunction until after a hearing on the Motion.

Plaintiffs allege Defendants Lewis and May, two former employees of Plaintiffs now working for their own dance company, Defendant Inspire Performing Arts Company (“Inspire PAC”), have breached the non-solicitation provisions of their employment agreements by “soliciting parents of students participating with the Inspire Dance Team to join Inspire PAC.” (Doc. No. 2-1, p. 2.) Plaintiffs further allege Inspire Pac infringed Plaintiffs’ trademarks by “promot[ing] its business on its website and on social media using photographs, videos, and other information of the Inspire Dance Team.” (*Id.*) Plaintiffs argue a temporary restraining order and preliminary injunction are necessary to prevent Defendants from causing irreparable harm to

Plaintiffs during the pendency of this action. (Id. at 19–20.) Specifically, Plaintiffs allege in recent weeks “Inspire Dance Team has lost virtually all of its student participants and adult staff to Inspire PAC,” which will result in “loss of good will and loss of existing and potential customers” if it continues. (Id. at 20.) While Plaintiffs’ argument is not without merit, the Court finds that a temporary restraining order is not appropriate at this time. The Court will instead hear argument only on the preliminary injunction.

**IT IS THEREFORE ORDERED** that Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunctive Relief (Doc. No. 2) is **DENIED IN PART** without prejudice, to the extent it seeks a temporary restraining order, and the Court **DEFERS IN PART** a ruling on the Motion to the extent it seeks preliminary injunctive relief.

**TAKE NOTICE** that a hearing on Plaintiffs’ Motion for a Preliminary Injunction shall take place on Thursday, September 5, 2024, at 9:00 a.m. in Courtroom #5B of the Charles R. Jonas Federal Building, 401 W. Trade Street, Charlotte, North Carolina. At the hearing, each side shall have thirty (30) minutes for a brief presentation of critical evidence and argument. As Defendants have not yet entered an appearance, Plaintiffs are directed to serve Defendants with a copy of this Order, immediately.

**IT IS SO ORDERED.**

Signed: August 28, 2024



Frank D. Whitney  
United States District Judge

