

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:24-CV-01019-FDW-DCK

MICHAEL BROWN,)
)
Plaintiff,)
)
v.)
)
LOCALREMIX LLC,)
ROBERTO DAVID RIOS,)
WEBMATRIX360 LLC, AND)
RODOLFO D. RIOS,)
)
Defendants.)
)

NOTICE AND ORDER

THIS MATTER is before the Court on Plaintiff’s Motion for Leave to Amend Preliminary Injunction, (Doc. No. 10). For the same reasons set forth in Plaintiff’s Motion for Leave to Amend Complaint, (Doc. No. 6), and the Magistrate Judge’s Order granting that Motion, (Doc. No. 8), the Court concludes Plaintiff’s amendment to his preliminary injunction motion is supported by good cause. Therefore, the Motion, (Doc. No. 10), is **GRANTED**. Document Number 9 of the Electronic Case File is the operative Preliminary Injunction Motion, and Plaintiff’s First Motion for Preliminary Injunction, (Doc. No. 3), is **DENIED** as **MOOT**.

Plaintiff has now amended his Preliminary Injunction Motion six calendar days before the date on which the Court scheduled a hearing on the Motion. (See Doc. No. 4.) That time encompasses a national holiday. Further, while the Court ordered Plaintiff to serve Defendants with a copy of its prior Order immediately, (Id., p. 3), it is unclear from the record whether Plaintiff has done so. Plaintiff has now amended the Complaint and Motion to exclude HaiOps LLC and Fincosa LLC. This Court may only enter a preliminary injunction “after giving notice sufficient to enable the opposing party to prepare an opposition.” Ciena Corp. v. Jarrard, 203 F.3d 312, 319–

20 (4th Cir. 2000); Fed.R.Civ.P. 65(a). The Court concludes Defendants would be prejudiced if the Court were to hold a hearing before they have sufficient time to consider securing counsel and to prepare arguments in light of the removal of the LLCs as parties.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Amend, (Doc. No. 10), is **GRANTED** and Plaintiff's First Motion for Preliminary Injunction, (Doc. No. 3), is **DENIED** as **MOOT**.

IT IS FURTHER ORDERED that the Preliminary Injunction Hearing currently scheduled for Monday, December 2, 2024, at 2:00 p.m. is **RESCHEDULED** to Tuesday, December 10, 2024, at 2:00 p.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, Plaintiff is **DIRECTED** to serve Defendants with a copy of his Amended Motion for Preliminary Injunction, (Doc. No. 9), and a copy of this Order, immediately.

TAKE NOTICE that this Court's Local Rules and Standing Order prohibit the use of electronic devices in the Courtroom and prohibit recording in the Courtroom. See Local Civ. R. 83.3(a)(1), (b); In re: Electronic Devices in Courthouses, No. 3:05-mc-344, Doc. No. 4, June 1, 2021. *Pro se* parties may only use a personal device during Court proceedings if necessary and with prior leave of Court. Local Civ. R. 83.3(b)(1). At all times, "The taking of still or moving photographs and/or the audio recording of any Court proceedings in the courtroom or in the corridors immediately adjacent thereto, during the progress of judicial proceedings or during any recess, is prohibited." In re: Electronic Devices in Courthouses, No. 3:05-mc-344, Doc. No. 4. Improper use of electronic devices may be treated as contempt of Court, and parties may be ordered

to lock up electronic devices in the lock boxes available at the Courthouse security desk upon arrival.

IT IS SO ORDERED.

Signed: November 26, 2024

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

