

APR. 7. 2006 4:07PM YMB&T ATT

NO. 3594 P. 2

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

SAXBYS COFFEE, INC.,)
)
 Plaintiff,)
)
 v.)
)
 SAXBYS HICKORY, LLC (a North)
 Carolina Limited Liability Corporation),)
 SAXBYS CAROLINA, LLC (a North)
 Carolina Limited Liability Corporation),)
 ROBERT C. DEWHURST (an individual)
 resident of North Carolina), HARVEY D.)
 SIMMONS (an individual resident of North)
 Carolina), COPPERBEAN HICKORY, LLC)
 (a North Carolina Limited Liability)
 Corporation), and COPPERBEAN COFFEE,)
 LLC (a North Carolina Limited Liability)
 Corporation).)
)
 Defendants.)

5:06CV45
Civil Action No. 06-00045

STIPULATION AND ORDER REGARDING BRIEFING SCHEDULE
FOR MOTION FOR TRO AND PRELIMINARY INJUNCTION

Plaintiff Saxbys Coffee, Inc. ("Plaintiff") and Defendants Saxbys Hickory, LLC, Saxbys Carolina, LLC, Robert C. Dewhurst, Harvey D. Simmons, Copperbean Hickory, LLC and Copperbean Coffee, LLC (collectively the "Defendants"), through their respective counsel, hereby stipulate and agree, subject to the approval of the Court, as follows:

1. Defendants' Response in Opposition to Plaintiff's Motion for TRO and Preliminary Injunction will be filed with the Court, and served on counsel for Plaintiff by telefacsimile, on or before 5:00 p.m. on Friday, April 14, 2006.

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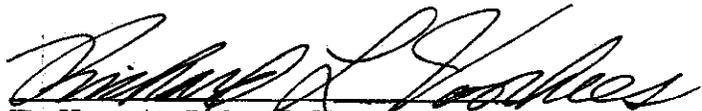
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NO. 3594 P. 3

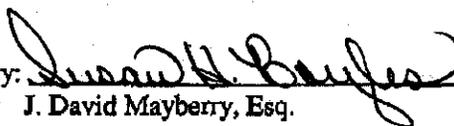
2. If Plaintiffs file a Reply In Support of Plaintiff's Motion for TRO and Preliminary Injunction, Plaintiff shall file the brief with the Court, and serve it on counsel for Defendants by telefacsimile, on or before 5:00 p.m. on Tuesday, April 18, 2006.

SO ORDERED:

Signed the 10th day of April, 2006.

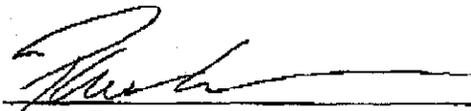

The Honorable Richard L. Voorhees
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

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