

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:17-cv-00176-MOC-DSC

<b>SWIFT BEEF COMPANY,</b>	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	ORDER
	)	
<b>ALEX LEE, INC.,</b>	)	
	)	
Defendant.	)	

**THIS MATTER** is before the Court on Remand from the Court of Appeals for the Fourth Circuit for consideration of an additional provision of the Lease Agreement, Section 18.3, in determining whether to issue preliminary injunctive relief.

In anticipation of the Mandate issuing today,<sup>1</sup> the Court will schedule the matter for hearing on February 15, 2019, in Asheville at 10:00 a.m. Plaintiff shall file a Supporting supplemental brief, limited to five pages, addressing Section 18.3 in light of the relief it seeks, not later than February 11, 2019. Defendant shall file a Responsive supplemental brief limited to five pages not later than February 12, 2019, and plaintiff may file a three-page supplemental Reply brief not later than February 13, 2019.

Again, the parties are strongly encouraged to discuss amicable resolution of this matter. The parties are advised that this court has little tolerance for being used as a bargaining chip in

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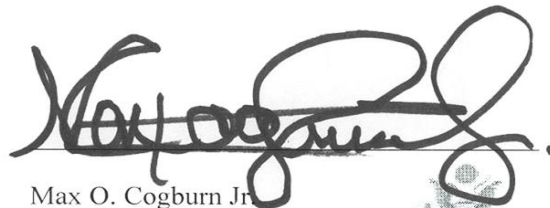
<sup>1</sup> The Court has scheduled this matter in advance of the Mandate to provide the parties with maximum time to prepare for the supplemental hearing. If the Mandate does not issue the Court will, of course, cancel the hearing. The parties are advised that due to the importance of a hearing on injunctive relief, nothing less than an ongoing trial or hospitalization will be a sufficient basis for continuance of this hearing.

determining the sale price of a plant that defendant obviously wants to sell, and plaintiff obviously wants to buy.

**ORDER**

**IT IS, THEREFORE, ORDERED** that oral arguments are calendared for 10:00 a.m. on February 15, 2019, in Asheville. Briefing shall be in accordance with the provisions outlined above.

Signed: February 7, 2019



Max O. Cogburn Jr.  
United States District Judge