

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL'S FINER MEATS, LLC,

Plaintiff,

vs.

Case No. C2-09-001

Judge Edmund A. Sargus, Jr.

Magistrate Judge Norah McCann King

MICHAEL F. ALFERY,

Defendant.

PRELIMINARY INJUNCTION

It is **ORDERED**, that, for so long as this Injunction remains in effect:

- (1) Plaintiff shall abide by the terms of his **AGREEMENT NOT TO COMPETE** signed June 30, 2005, attached as Exhibit A to the Verified Complaint ("Agreement"), except as modified by the Court below.
- (2) Paragraph 1 of the Agreement is modified as follows:
 1. . . . [F]or a period of twelve (12) months after termination of his/her employment for any reason . . . , Employee shall not (i) either directly or indirectly, solicit, obtain or accept orders for any products competitive with those of the Company, *within Allegheny County, Pennsylvania only*; or (ii) *engage in employment in which he solicits within Allegheny County, Pennsylvania, any product in competition with the Company at the time of his termination of employment.*

(Agreement; Court modifications in italics.)

In particular, Plaintiff may not, directly or indirectly, engage in any sales or solicit sales, or assist anyone else employed by his new employer, Curtze Company, with respect to former customers to whom he provided service while employed by Michael's Finer Meats, LLC. Further, Plaintiff may not, directly or indirectly, solicit sales, or assist anyone else employed by the Curtze


Company, to solicit sales, to *any* customer of Michael's Finer Meats, LLC in Allegheny County, Pennsylvania as to product lines Plaintiff previously sold while employed by Michael's Finer Meats, LLC.

This Order will take effect upon the posting of a security bond for \$10,000.00. Fed. R. Civ. P. 65(c).

Opinion on Plaintiff's Motion for Preliminary Injunction to follow.

IT IS SO ORDERED.

1-12-2009
DATED _____


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE