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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DENNIS MONTGOMERY and the)	
MONTGOMERY FAMILY TRUST)	3:06-CV-00056-PMP-VPC
)	BASE FILE
Plaintiffs,)	
)	3:06-CV-00145-PMP-VPC
vs.)	
)	
ETREPPID TECHNOLOGIES, LLC;)	<u>ORDER</u>
WARREN TREPP; and the UNITED)	
STATES DEPARTMENT OF DEFENSE,)	
)	
Defendants.)	
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AND ALL RELATED MATTERS.)	
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On February 8, 2006, the Honorable Robert Perry, District Judge of the 2nd Judicial Court of the State of Nevada, in and for the County of Washoe, entered a preliminary injunction in this case prior to its removal from state court.

Before the action was removed to this Court, Plaintiff eTreppid Technologies filed a motion to modify the order granting the preliminary injunction, however, before Judge Perry could address Plaintiff eTreppid's motion to modify, the action was removed to United States District Court and assigned case number 3:06-CV-00145-PMP-VPC, and subsequently consolidated with the base file in this action, 3:06-CV-00056-PMP-VPC. The removal of the action from state court occurred on April 21, 2006. On May 15, 2006, Defendants and Counter-claimants Dennis Montgomery and Montgomery Family Trust filed a motion to vacate the preliminary injunction entered by Judge Perry.

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1 Both of the foregoing motions have been fully briefed and pending for over a
2 year while these consolidated actions were assigned and reassigned to several judges and a
3 host of other proceedings have occurred. Finally, on March 22, 2007, eTreppid filed a
4 second Motion to Modify Preliminary Injunction (Doc. #139). That motion is also fully
5 briefed.


6 Having read and considered the foregoing, the Court concludes that neither
7 eTreppid Technologies, nor the Montgomery Defendants have demonstrated good cause to
8 warrant modification of the preliminary injunction originally entered by Judge Perry on
9 February 8, 2006. This action has been vigorously litigated by all parties and numerous
10 issues have been raised for the Court's consideration. At this stage, the Court deems it
11 appropriate to maintain the status quo as provided by the original preliminary injunction
12 entered in this case.

13 IT IS THEREFORE ORDERED that Plaintiff eTreppid Technologies' Motion to
14 Modify Preliminary Injunction (Doc. #16, Exhibit 8, in case number 3:06-CV-00145-PMP-
15 VPC) is **DENIED**.

16 IT IS FURTHER ORDERED that the Montgomery Defendants' Motion to
17 Vacate Modify Preliminary Injunction (Doc. #26 in case number 3:06-CV-00145-PMP-VPC) is
18 **DENIED**.

19 IT IS FURTHER ORDERED that Plaintiff eTreppid Technologies' Motion to
20 Modify Preliminary Injunction (Doc. #139 in case number 3:06-CV-00056-PMP-VPC) is
21 **DENIED**.

22 DATED: August 2, 2007.

23 

24 _____
25 PHILIP M. PRO
26 United States District Judge