

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

LIBERTY POWER CORP., LLC

Plaintiff,

v.

STUART KATZ, STUART A. KATZ,
INC., AND FOUNDATION ENERGY
SERVICES, LLC,

Defendants.

: **CIV. ACTION NO.: 10-1938 (NAG)**
: **(CLP)**
:
: **PLAINTIFF’S NOTICE OF MOTION**
: **AND MOTION FOR AN ORDER TO**
: **SHOW CAUSE FOR A**
: **PRELIMINARY INJUNCTION**
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PLEASE TAKE NOTICE that Plaintiff Liberty Power Corp., LLC (“Liberty Power” or “Plaintiff”) will and hereby does move this Court, before Judge Nicholas G. Garaufis, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, for an Order to Show Cause for Preliminary Injunction against Defendants Stuart Katz, Stuart A. Katz, Inc. and Foundation Energy Services, LLC (“Defendants”) based on their misappropriation of Plaintiff’s confidential and proprietary information and their acts of unfair competition.

This Motion is made pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and is based on the accompanying Memorandum of Law, the Declarations of Alberto Daire, Keith Hernandez, David Hernandez, and Carlos Covarrubias, and the Exhibits annexed thereto, oral argument, if any, and all materials in the Court’s file. Pursuant to Judge Cogan’s May 7, 2010 Order, Defendants’ opposition, if any, shall be due within fourteen (14) days of service of this Notice. Plaintiff’s reply, if any, shall be due within seven (7) days of service of the answering papers.

Plaintiff requests oral argument on this motion.

Dated: May 7, 2010

Respectfully submitted,



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