

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 Civ 2657 (DLC)

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SOLENGO CAPITAL ADVISORS ULC.,

Plaintiff,

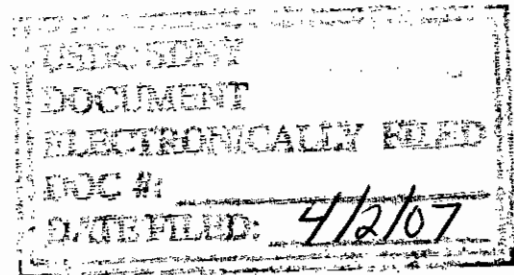
-against-

DEALBREAKER, et al.,

Defendants.  
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UNASSIGNED  
NO DOCKET NUMBER

ORDER



P. KEVIN CASTEL, U.S.D.J.

At 5:20 p.m. today, Friday, March 30, 2007, Jonathan Cogan, Esq., counsel for plaintiff, arrived in Court with a proposed order to show cause seeking to temporarily enjoin the further dissemination of an internet posting of allegedly copyrighted and confidential information. According to Cogan's declaration, the posting has been known to him since Wednesday, March 28, 2007, and he sent a cease and desist letter to defendant Dealbreaker that same day. I have been given a redacted copy of the posting but no copy of the actual confidential information has been supplied to the Court, although it is described in the papers. Accordingly, the degree of harm to plaintiff cannot be readily assessed.

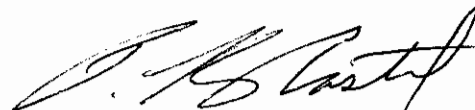
While the purportedly copyrighted nature of the material takes it out of the mainstream of first amendment jurisprudence, the propriety of a judicial restraint is still an issue worthy of consideration on a more complete record. Assuming the truth of plaintiff's assertions, then it would have already suffered grave and, perhaps, irreparable harm from the posting. An in-

junction against further dissemination raises serious questions concerning the practicality of such relief.

On Monday morning, when the Clerk's Office resumes its regular hours, plaintiff may file its complaint and have a judge assigned to its case. Plaintiff is free to present its order to show cause to the judge assigned, together with a copy of this Order.

At this hour and on this record, I decline to grant any relief to the plaintiff. Plaintiff's application for the extraordinary relief of a temporary restraining order is denied.

SO ORDERED.



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United States District Judge  
Part I

Dated: New York, New York  
March 30, 2007  
6:30 p.m.