

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MORGAN STANLEY SMITH BARNEY,
LLC,

Plaintiff,

vs.

Case No. 3:18-cv-00141-J-34MCR

DANIEL J. ABEL,

Defendant.

ORDER

THIS CAUSE is before the Court on the parties' Joint Notice Regarding Stipulation of Continuance of Temporary Restraining Order (Joint Notice, Doc. 23), filed February 16, 2018. In the Joint Notice, the parties, Plaintiff Morgan Stanley (Morgan Stanley), and Defendant Daniel J. Abel (Abel), informed the court of their stipulation to a continuance of the Temporary Restraining Order which was entered by this Court on January 23, 2018 (Temporary Restraining Order, Doc. 10), extended by the Court on February 5, 2018 (TRO Extension, Doc. 19), and is set to expire at 5 p.m., Tuesday, February 20, 2018.

Morgan Stanley initially sought a temporary restraining order from this Court precluding Abel, and anyone acting in concert with him, from soliciting Morgan Stanley's customers, in violation of the employee agreement between the parties. The Court granted Morgan Stanley's request on January 23, 2018, and entered a TRO, which was to remain in effect until 5 p.m., Tuesday, February 6, 2018. On February 1, 2018, Morgan Stanley filed an Emergency Motion (Emergency Motion, Doc. 14) with the Court seeking

a stay of the proceedings and an extension of the TRO pending the parties' completion of pending arbitration. See generally Emergency Motion. The Court granted Morgan Stanley's Emergency Motion, and extended the TRO until 5 p.m., Tuesday, February 20, 2018, and also stayed the proceedings and administratively closed the case. See TRO Extension at 9-10. The parties now jointly seek a continuance of the TRO until the earliest of either the completion of arbitration between the parties which will determine the extension, dissolution or modification of the TRO; an agreement between the parties; or, January 12, 2019. See Joint Notice at 1-2.

Rule 65(b)(2) of the Federal Rules of Civil Procedure (Rule(s)), guides that a temporary restraining order shall not "exceed 14 days . . . unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension." Rule 65(b)(2). In response to Morgan Stanley's Emergency Motion, and as detailed in its February 5, 2018, TRO Extension, the Court extended the original TRO for and additional fourteen days, to expire on Tuesday, February 20, 2018. See TRO Extension. The parties now jointly appear before the Court and seek a further extension of the TRO. In accordance with Rule 65(b)(2), Abel, as the party adverse to Morgan Stanley's initial request for the TRO, has consented to a longer extension of the period of restraint. Accordingly, this Court determines that the TRO should be continued and the case remain stayed.

In consideration of the foregoing, it is **ORDERED**:

1. The Court's Temporary Restraining Order (Doc. 10), which was issued on January 23, 2018, and due to expire at 5 p.m., February 20, 2018, is continued until the earliest of:
 - a. The date set forth in an order from the FIRNA arbitration panel for the extension, dissolution, or modification of the Temporary Restraining Order;
 - b. The agreement of the Parties memorialized in writing; or
 - c. 5 p.m. on January 12, 2019.
2. The case shall remain stayed and administratively closed.

DONE AND ORDERED at Jacksonville, Florida on February 20, 2018, nunc pro
tunc to 4 p.m.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Parties