

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

OXEBRIDGE QUALITY RESOURCES
INTERNATIONAL, LLC, et al.,

Plaintiffs,

v.

CASE NO. 8:15-CV-11-T-17TBM

MARC TIMOTHY SMITH,
individually and d/b/a CAYMAN
BUSINESS SYSTEMS,

Defendants.

_____ /

ORDER

This cause is before the Court on:

Dkt. 9 Motion for Preliminary Injunction
Dkt. 12 Response to Motion for Preliminary Injunction
Dkt. 14 Amended Motion for Preliminary Injunction

The Complaint in this case includes the following claims:

Count I 15 U.S.C. Sec. 1125 - Unfair Competition
Count II Violation of Secs. 772.102(1)(a)(26), 772.104(1) and
836.05, Florida Statutes (Extortion)
Count III Defamation Per Se
Count VI Defamation
Count V Libel
Count VI Injurious Falsehood
Count VII Injunctive Relief (Temporary and Permanent)

At the outset, the Court reminds pro se parties that they are subject to the Federal Rules of Civil Procedure and the Local Rules of the Middle District of Florida, and Defendants are directed to comply with the Rules and the Court's Orders. There

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are resources intended to assist pro se parties available on the Court's website, www.flmd.uscourts.gov, and the Local Rules are available on the Court's website. Failure to comply may have adverse consequences, including the assessment of attorney's fees or the striking of pleadings.

In the Complaint, Plaintiffs allege that Plaintiffs and Defendants are direct business competitors, both offering commercial consulting and training services in the ISO 9001 standard method for quality control. (Dkt. 1, p. 4, par. 19). Defendants operate an interactive website, www.elsmar.com, an Internet "forum," through which Defendants and Florida businesses and individuals may engage in industry-specific consultation. "Premium file access" can be purchased wherein editable Master Data File Sets are transferred to "premium members," some of which are in the State of Florida. Defendants' clients within the State of Florida use www.elsmar.com to access training manuals and materials essential to Defendants' services. (Dkt. 1, p. 3, pars. 14-15).

In general, Plaintiffs allege that Defendants knowingly publish false material with reckless disregard for the truth on www.elsmar.com (Dkt. 1, pp. 5-6, pars. 27-34), and the false publications have directly caused actual damages to Plaintiffs and directly interfered with Plaintiffs' ability to do business. (Dkt. 1, pp. 8-9, par. 42). Plaintiff Paris alleges that Plaintiff has been blocked from posting on www.elsmar.com, such that Plaintiff Paris is unable to rebut the alleged false and defamatory statements.

In the Complaint, Plaintiffs seek declaratory relief, injunctive relief, the award of general damages, the award of consequential damages, the award of future economic damages, and the award of attorney's fees and costs.

In the Motion for Preliminary Injunction, Plaintiffs are seek an injunction to enjoin Defendants from publishing further false and malicious postings. In the Amended

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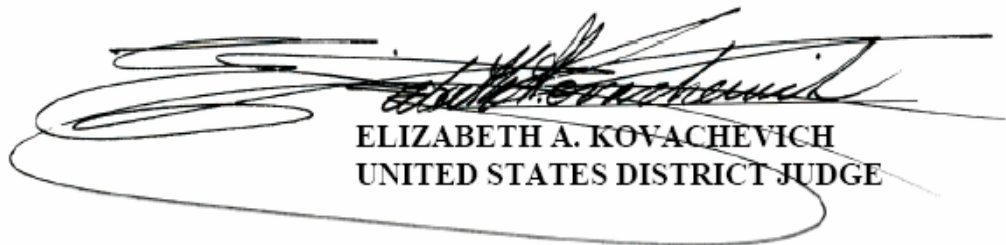
Motion, Plaintiffs allege that Defendants have published settlement negotiations intended to remain confidential. Plaintiffs have requested oral argument on the pending Motions for Preliminary Injunction.

After consideration, the Court refers the Motions for Preliminary Injunction (Dkts. 9, 14) to the assigned Magistrate Judge to conduct a hearing and for a Report and Recommendation. Accordingly, it is

ORDERED that the Motion for Preliminary Injunction (Dkt. 9) and Amended Motion for Preliminary Injunction (Dkt. 14) are **referred** to the assigned Magistrate Judge to conduct a hearing, if necessary, and for a Report and Recommendation. It is further

ORDERED that Defendants, proceeding pro se, shall comply with the Federal Rules of Civil Procedure, the Local Rules of the Middle District of Florida, and the Court's Orders.

DONE and ORDERED in Chambers, in Tampa, Florida on this 19th day of February, 2015.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record