

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CareToLive, a not for profit corporation,

Plaintiff,

Case No. 2:07 CV 729

vs.

Judge Frost

Andrew von Eschenbach,
in his capacity as Commissioner of the FDA et al.,

Magistrate Judge King

Defendants.

APPLICATION FOR A PRELIMINARY INJUNCTION

Now comes Plaintiff, CareToLive, and moves this court separately from the complaint, in accordance with Local Rule 65.1, for a preliminary injunction. The basis for the preliminary injunction is set forth in the complaint and will not be reiterated herein unless requested by the court.

The application and all other pleadings filed in the action have been served upon the adverse attorney and/or party or reasonable steps have been taken to secure that service.

It is requested, in accordance with Local Rule 65.1(a), that an informal preliminary conference be scheduled. Counsel for Plaintiff will immediately confer with Defense counsel to obtain available dates and times for said preliminary conference and provide those to the court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing to be served by regular U.S. Mail, prepaid postage, on the following, this 16th day of August, 2007

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