



Administrative Office, indicating that this case is closed pursuant to a judgment entered by this court.<sup>1</sup>

It is further **ORDERED** that , although plaintiff submits that the preliminary injunction entered on March 4, 2011, should remain in full force and effect with respect to defendants Don Brady Construction, Inc., d/b/a APEX 3 Construction, Inc., Elizabeth Brady Lindley and Robert Lindley, said preliminary injunction is hereby **DISSOLVED**.<sup>2</sup>

**DONE and ORDERED** this 21st day of August, 2013.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Judgment was entered in favor of the plaintiff against Don Brady Construction Company, Inc. on May 7, 2012 (Doc. 102); plaintiff's claims against Linda Brady were dismissed with prejudice by order issued on May 14, 2012 (Doc. 107); and its claims against Robert Lindley & Elizabeth Lindley were dismissed without prejudice by Order issued on May 23, 2012 (Doc. 111).

<sup>2</sup> A preliminary injunction imposed according to the procedures outlined in Federal Rule of Civil Procedure 65 dissolves *ipso facto* when a final judgment is entered in the cause. *See Sweeney v. Hanley*, 126 F. 97, 99 (9th Cir.1903); *see also United States ex rel. Bergen v. Lawrence*, 848 F.2d 1502, 1512 (10th Cir.1988) (“With the entry of the final judgment, the life of the preliminary injunction came to an end, and it no longer had a binding effect on any one. The preliminary injunction was by its very nature interlocutory, tentative and impermanent.” (quoting *Madison Square Garden Boxing, Inc. v. Shavers*, 562 F.2d 141, 144 (2d Cir.1977))); *Fundicao Tupy S.A. v. United States*, 841 F.2d 1101, 1103 (Fed.Cir.1988) (“[A]lthough a preliminary injunction is usually not subject to a fixed time limitation, it is *ipso facto* dissolved by a dismissal of the complaint or the entry of a final decree in the cause.”) (internal quotation marks omitted); *Cypress Barn, Inc. v. W. Elec. Co.*, 812 F.2d 1363, 1364 (11th Cir.1987); 11A Charles Alan Wright, Arthur R. Miller & Mary K. Kane, *Federal Practice and Procedure* § 2947 (2005). This principle stems from the very purpose of a preliminary injunction, which is to preserve the status quo and the rights of the parties until a final judgment issues in the cause. *See Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395, 101 S.Ct. 1830, 68 L.Ed.2d 175 (1981) (“The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.”); *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir.1984) (“A preliminary injunction ... is not a preliminary adjudication on the merits but rather a device for preserving the status quo and preventing the irreparable loss of rights before judgment.”).

U.S. Philips Corp. v. KBC Bank N.V., 590 F.3d 1091, 1093 -1094 (9th Cir. 2010)