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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Laura M. Wells; Kelley L. Bradbury;
9 Morgan M. Block; Melanie Haswood;
10 Brian Gilmore; Bradley Ledford; Elie
11 Lahhoud; Timothy Roberts; Elizabeth
Trujillo; Devin Brennan; Dean Bausman;
William Reynolds; and Nancy Farran,

12 Plaintiffs,

13 v.

14 American Polygraph Association; Barry
15 Cushman; Charles Slupski; Pam Shaw;
16 George Baranowski; Robert Peters; Walt
17 Goodson; Jamie McCloughan; Raymond
18 Nelson; Mike Gougler; Vickie T. Murphy-
Carr; Chad Russell; Gordon L. Vaughan;
Donald Krapohl; Robbie S. Bennett;
Donnie Dutton; Lisa Jacocks; and Roy
Ortiz,

19 Defendants.

No. CV-13-00607-PHX-GMS

ORDER

20 Pending before the Court are Plaintiffs' Emergency Motion for a Temporary
21 Restraining Order and for Preliminary and Permanent Injunctions (Doc. 84), Plaintiff
22 Melanie Haswood's Motion for a Hearing on an Emergency Temporary Restraining
23 Order (Doc. 82), and Plaintiff Laura M. Wells' Motion for a Temporary Restraining
24 Order (Doc. 20). For the reasons discussed below, these motions are denied without
25 prejudice.

26 This case arises out of a variety of incidents surrounding the accreditation of the
27 Polygraph School of Science (the "School") by the American Polygraph Association (the
28 "APA"), an organization governing polygraph schools. (Doc. 24.)

1 As an initial matter, Plaintiffs’ Motion for a TRO and for Preliminary and
2 Permanent Injunctions fails as it is brought on behalf of the School as well as the
3 individual plaintiffs, (Doc. 84), and the School is not a party to this action as of Plaintiffs’
4 Amended Complaint (the “FAC”), (Doc. 24).

5 Additionally, Plaintiffs’ pleadings neither allege any claim under this Court’s
6 jurisdiction nor provide any basis on which to grant a hearing or the relief sought.¹
7 Plaintiffs assert jurisdiction under 28 U.S.C. § 1332. (*Id.* at 2.) The Court has such
8 jurisdiction over cases in which plaintiffs and defendants are citizens of different states
9 and the amount in controversy is greater than \$75,000. 28 U.S.C. § 1332. The Supreme
10 Court has interpreted Section 1332 to require complete diversity between parties, where
11 “the citizenship of each plaintiff is diverse from the citizenship of each defendant.”
12 *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996). Here, it is clear from the face of
13 Plaintiffs’ FAC that the action does not meet the requirement for complete diversity of
14 citizenship. (Doc. 24 at 2–6.)

15 In their FAC, Plaintiffs allege that Defendants committed libel, slander, breach of
16 contract, disparagement, discrimination, and negligent interference with a contract in
17 their dealings with the School and with the Plaintiffs. (Doc. 24 at 2, 17–20.) Plaintiffs fail
18 to specify any federal law claims that would give rise to jurisdiction in this Court. (*Id.*)

19 Finally, Plaintiffs fail to demonstrate any basis for their right to a hearing on their
20 Motion or to the relief sought. A plaintiff must establish four elements in order to be
21 granted a preliminary injunction, including “that he is likely to succeed on the merits, that
22 he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance
23 of equities tips in his favor, and that an injunction is in the public interest.” *Winter v.*
24 *Nat’t Res. Def. Council*, 555 U.S. 7, 20 (2008), *see* Fed. R. Civ. P. 65. The Ninth Circuit
25 considers all of the elements except for irreparable injury using a sliding scale approach,
26 where “the elements of the preliminary injunction test are balanced, so that a stronger

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28 ¹ The pleadings also provide no indication of why the Court should allow these
thirteen Plaintiffs to join their claims in this action.

1 showing of one element may offset a weaker showing of another.” *Alliance for the Wild*
2 *Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). The element of irreparable
3 injury is not subject to balance; the moving party must “demonstrate that irreparable
4 injury is *likely* in the absence of an injunction.” *Winter*, 555 U.S. at 23 (emphasis in
5 original).

6 Plaintiffs state that they have satisfied these requirements but such conclusory
7 statements are insufficient. Plaintiffs must actually make some demonstration that they
8 have met these requirements through affidavits or admissible evidence. For example,
9 while Plaintiffs assert that they will likely succeed on the merits of their claims, they
10 provide no factual basis for this statement, and aside from asserting what appear to be
11 generic claims arising from state law, offer no reason why this Court should rule that they
12 will likely succeed on the merits. Until and unless Plaintiffs provide such arguments and
13 evidence, they have not demonstrated their right to a hearing. Accordingly,

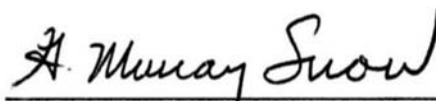
14 **IT IS THEREFORE ORDERED** that Plaintiff Laura M. Wells’ Motion for a
15 Temporary Restraining Order (Doc. 20) is **denied** without prejudice.

16 **IT IS FURTHER ORDERED** that Plaintiff Melanie Haswood’s Motion for a
17 Hearing (Doc. 82) on Ms. Wells’ Motion is **denied** without prejudice.

18 **IT IS FURTHER ORDERED** that Plaintiffs’ Emergency Motion for a Temporary
19 Restraining Order and for Preliminary and Permanent Injunctions (Doc. 84) is **denied**
20 without prejudice.

21 **IT IS FURTHER ORDERED** that Plaintiffs’ Motion for Leave to Exceed Page
22 Limit (Doc. 86) is denied as moot.

23 Dated this 20th day of September, 2013.

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26 G. Murray Snow
27 United States District Judge
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