

1 Ex Parte Motion for Temporary Restraining Order filed November
2 22, 2017. (Docket No. 3.) The court held a hearing on the
3 Motion on November 27, 2017.

4 Upon request of the court, defendant provided
5 documentation to the court establishing that the vehicle at issue
6 was sold to a third party on October 19, 2017.² The court
7 concludes that plaintiff has not met its burden of showing that
8 it is likely to suffer irreparable harm in the absence of the
9 temporary injunctive relief requested against defendant. Given
10 this insufficient showing, the court will deny plaintiff's
11 Motion.

12 IT IS THEREFORE ORDERED that plaintiff's Ex Parte
13 Motion for Temporary Restraining Order (Docket No. 3) be, and the
14 same hereby is, DENIED.

15 IT IS FURTHER ORDERED that plaintiff shall file any
16 motion for a preliminary injunction by December 1, 2017.
17 Defendant's opposition shall be filed by December 8, 2017. Any
18 reply shall be filed by December 12, 2017. The court will hold
19 oral argument on plaintiff's motion for a preliminary injunction
20 on December 14, 2017 at 2:00 p.m. in Courtroom 5.

21 Dated: November 27, 2017



22 **WILLIAM B. SHUBB**
23 **UNITED STATES DISTRICT JUDGE**

24 contract was an equitable servitude which is enforceable against
25 those who acquire the 2017 Ford GT, and due to defendant's breach
26 of this equitable servitude, plaintiff "is entitled to an order
that [defendant] hold[s] the 2017 Ford GT in constructive trust
for Ford." (Compl. ¶¶ 28-31.)

27 ² Defendant's representative also stated at the hearing
28 that the vehicle was no longer in its showroom.