

United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LaRELL FRANKLIN, et al.,
Plaintiffs,
v.
ALLSTATE CORPORATION et al.,
Defendants.

No. C-06-1909 MMC

**ORDER DEFERRING RULING ON
PLAINTIFFS' EX PARTE APPLICATION
FOR TEMPORARY RESTRAINING
ORDER**

(Docket No. 3)

Before the Court is plaintiffs' ex parte application for temporary restraining order and motion for preliminary injunction, filed March 13, 2006. Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, the Court may issue a temporary restraining order ex parte only under very limited circumstances:

A temporary restraining order may be granted without written or oral notice to the adverse party or that party's attorney only if (1) it clearly appears from the specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that party's attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice should not be required.

Fed. R. Civ. P. 65(b). Plaintiffs have not submitted the requisite certification as to the efforts made to provide notice to defendants of the instant application or the reasons why such notice should not be required.

1 Accordingly, the Court will defer ruling on the instant application until Friday,
2 March 17, 2006, to afford plaintiffs the opportunity to serve the defendants and file proof of
3 such service, or to file the certification required by Rule 65(b).

4 **IT IS SO ORDERED.**

5 Dated: March 14, 2006



MAXINE M. CHESNEY
United States District Judge

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