

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

INTEGRAL DEVELOPMENT CORP,

Plaintiff,

No. C 12-06575 JSW

v.

VIRAL TOLAT,

Defendant.

**ORDER DENYING PLAINTIFF’S
EX PARTE APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER**

Now before the Court is the *ex parte* application for a temporary restraining order (“TRO”) and an order to show cause why a preliminary injunction and a writ of attachment should not issue. In order to obtain a TRO or preliminary injunctive relief, Plaintiff Integral Development Corporation (“Plaintiff”) “must establish that [it] is likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the public interest.” *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 129 S. Ct. 365, 374 (2008) (citations omitted). The *Winter* court also noted that because injunctive relief is “an extraordinary remedy,” it “may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” 129 S.Ct. at 375-76 (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (*per curiam*)). Thus “[i]n each case, courts ‘must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief.’” *Id.* at 376 (citing *Amoco Production Co. v. Gambell*, 480 U.S. 531, 542 (1987)). An *ex parte* application for a TRO may only be granted if “specific facts in an affidavit or a verified complaint clearly show that

1 immediate and irreparable injury, loss, or damage will result to the movant before the adverse
2 party can be heard in opposition.” Fed. R. Civ. Proc. 65(b)(1)(A). In the absence of any
3 evidence to support claims of any misappropriation or threat to disclose trade secrets, Plaintiff
4 fails to meet this standard.

5 The Court, however, does grant Plaintiff’s request for expedited, but limited, discovery.
6 Absent further stipulation of the parties and as addressed on the record at the hearing in this
7 matter, reciprocal document discovery shall be completed by no later than January 31, 2013;
8 limited depositions shall be conducted by no later than February 14, 2013; and private
9 mediation shall be completed by no later than March 14, 2013 (costs to be shared equally
10 between the parties). The Court has referred any and all discovery disputes to a Magistrate
11 Judge for resolution.

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13 **IT IS SO ORDERED.**

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15 Dated: January 10, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE