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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DS-CONCEPT TRADE INVEST, LLC,
Plaintiff,
v.
GOURMET FOOD IMPORTS, LLC, et al.,
Defendants.

Case No.: 16-cv-00466 YGR
ORDER DENYING WITHOUT PREJUDICE EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER
Re: Dkt. No. 6

On January 27, 2016, plaintiff D-S Concept Trade Invest, LLC filed an ex parte application for temporary restraining order (TRO). (Dkt. No. 6.) The Court finds that plaintiff failed to comply with the requirements of Federal Rule of Civil Procedure (FRCP) 65(b)(1) as well as the Civil Local Rule 65-1 to allow this Court to issue the TRO without notice to adverse parties. As set forth in the FRCP itself, the Court may only issue a TRO without notice to adverse parties if:


- (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; *and*
- (B) the movant’s attorney certifies in writing any efforts made to give notice *and* the reasons why it should not be required.

Fed.R.Civ.P. 65(b)(1) (emphasis supplied). Plaintiff failed to show it met either of the above requirements or those of the Local Rule. Consequently, the Court **DENIES** plaintiff’s ex parte application for TRO **WITHOUT PREJUDICE** to refiling in accordance with the cited rules.

This Order terminates Docket Number 6.

IT IS SO ORDERED.

Dated: February 1, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE