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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IMC INVESTMENT GROUP FE WINERY,  
LLC,  
  
Plaintiff,  
  
v.  
  
FAIRWINDS ESTATE, LLC, et al.,  
  
Defendants.

Case No. [16-cv-01134-JSW](#)  
  
**ORDER REQUIRING PROOF OF  
SERVICE AND SETTING BRIEFING  
SCHEDULE AND HEARING ON  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**  
  
Re: Dkt. No. 6

United States District Court  
Northern District of California

Plaintiff’s memorandum in support of its “Ex Parte Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction” states: “Immediately upon preparation, copies of the moving papers have been provided by mail and email to counsel for the Defendants and efforts have been made to personally deliver the papers to all Defendants.” (Dkt. No. 7 at 12.) Plaintiff does not, however, provide a proof of service, or state that it has served the Complaint upon Defendants. See N.D. Cal. Civil L.R. 65-1. Nor does the motion “include a citation to the statute, rule or order which permits the use of an *ex parte* motion to obtain the relief sought.” N.D. Cal. Civil L.R. 7-10; see also Fed. R. Civ. P. 65(b)(1)(B). Finally, the motion does not set forth a date by which relief is required, or set forth “specific facts in an affidavit or a verified complaint [that] clearly show that immediate and irreparable injury, loss, or damage will result to the movant *before the adverse party can be heard in opposition.*” Fed. R. Civ. Pr. 65(b)(1)(A) (emphasis added). The motion and supporting declarations do, however, show that this matter is time sensitive. Accordingly, the Court establishes the following schedule for an opposition and reply to be filed on shortened time.

The Court hereby ORDERS that, within 24 hours after the filing of this order, Plaintiff must serve a copy of each of the following upon each Defendant and provide a proof of service to

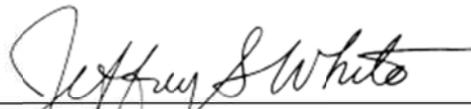
1 this Court: (1) the Complaint in this action; (2) all moving papers (including Docket Nos. 6-11, 16,  
2 and any other moving papers subsequently filed); and (3) this order. If Plaintiff has previously  
3 served any of these documents on any Defendant, Plaintiff need not re-serve those documents, but  
4 must file the proof of service with this Court.

5 Defendants shall file and serve any opposition to the motion for temporary restraining  
6 order by 2:00 p.m. on March 21, 2016. Plaintiff shall file and serve any reply by no later than  
7 2:00 p.m. on March 22, 2016. The Court shall hold a hearing on the motion at 2:00 p.m. on March  
8 23, 2016, in Courtroom 5, 2nd Floor, Federal Courthouse, 1301 Clay Street, Oakland, California.  
9 If the Court finds the motion suitable for disposition without oral argument, it shall notify the  
10 parties by order before 10:00 a.m. on March 23, 2016.

11 Service shall be made by use of a valid email address or by other means whereby the paper  
12 is delivered on the date of service stated in the proof of service.

13 **IT IS SO ORDERED.**

14 Dated: March 16, 2016

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18 JEFFREY S. WHITE  
19 United States District Judge  
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