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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RANDALL HENRI STEINMEYER,
Plaintiff,
v.
LABORATORY CORPORATION OF
AMERICA HOLDINGS, a Delaware
corporation; GEORGE MAHA, an
individual; Hon. GARY BUBIS, as Judge
of Superior Court of San Diego; ROB
BONTA, as Attorney General of
California,
Defendants.

Case No.: 22-cv-01213 DMS (DDL)
**ORDER DENYING PLAINTIFF’S EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

This matter comes before the Court on Plaintiff’s ex parte application for temporary restraining order (“TRO”) against Defendants Laboratory Corporation of America Holdings (“Labcorp”) and George Maha. (ECF No. 37.) For the following reasons, Plaintiff’s application for TRO or a preliminary injunction is **DENIED**.

I. BACKGROUND

In 2017, Plaintiff was deemed the biological father of a minor child in an action in San Diego Superior Court. (First Amended Compl. (“FAC”) ¶ 71, ECF No. 4). In March 2017, Defendant Labcorp administered a “motherless 2 person test[.]” pursuant to a state court order, which Plaintiff alleges violated the requirements of the California Family

1 Code. (FAC ¶¶ 53, 141.) Plaintiff further alleges that Defendants Labcorp and Maha lied
2 to Plaintiff about the validity of the paternity test they administered, (FAC ¶ 74), and
3 Defendant Maha “caused or otherwise induced a judge . . . to hide the material DNA and
4 therefore the paternity evidence.” (FAC ¶ 185.) The paternity test showed that Plaintiff
5 was the father of the child. (FAC ¶ 71). Accordingly, San Diego Superior Court issued
6 several Income Withholding Orders against Plaintiff for child support between 2018 and
7 2022. (*See* Def. Bubis Mot. to Dismiss, Ex. D, ECF No. 8-2.)

8 Plaintiff filed this action on August 18, 2022 (ECF No. 1) and filed the FAC on
9 November 8, 2022. (*See generally* FAC.) Plaintiff brought various state law causes of
10 actions against Defendants Labcorp and Maha, including alleged violations of California
11 Family Code § 7552.5(a). (FAC ¶¶ 238–43; Pl.’s Mem. in Supp. of Ex Parte Appl. for
12 TRO (“Pl.’s Mem.”) at 12–13, ECF No. 37-1.) Plaintiff alleges that Defendants Labcorp
13 and Maha have concealed some portion of the paternity test or generated fictitious test
14 results. (FAC ¶¶ 196, 203, 205–08.) Plaintiff also brought claims under 42 U.S.C. § 1983
15 against Defendants Attorney General Bonta and Judge Bubis. (FAC ¶¶ 279–86.)
16 Defendants Labcorp, Maha, Bubis, and Bonta have filed motions to dismiss. (*See* ECF
17 Nos. 6, 8, 9, 36.) On February 10, 2023, plaintiff filed an ex parte application for TRO
18 against Defendant Bonta. (ECF No. 28.) This Court denied the application for lack of
19 jurisdiction. (ECF No. 27.) On March 1, 2023, the Court ordered Plaintiff to show cause
20 why his claim against Defendant Bonta should not be dismissed for lack of subject matter
21 jurisdiction. (ECF No. 34.) On March 2, 2023, plaintiff filed a motion for leave to file a
22 second amended complaint. (ECF No. 35.)

23 In this ex parte application for a TRO, plaintiff argues that the California Family
24 Code requires that “a copy of the results of all genetic tests performed . . . shall be served
25 upon all parties.” (Pl.’s Mem. in Supp. of Ex Parte Appl. for TRO (“Pl.’s Mem.”) at 12–
26 13, ECF No. 37-1, quoting Cal. Fam. Code § 7552.5(a).) Alleging that Defendants Labcorp
27 and Maha have concealed some portions of the paternity test they administered and
28

1 analyzed in 2017, Plaintiff asks the Court to issue a TRO to “forc[e]” Defendants to
2 disclose “all results, not a subset.” (Pl’s Mem. at 16 n.8, ECF 37-1.)

3 II. LEGAL STANDARD

4 A party seeking preliminary injunctive relief under Federal Rule of Civil Procedure
5 65 must show (1) “that he is likely to succeed on the merits,” (2) “that he is likely to suffer
6 irreparable harm in the absence of preliminary relief,” (3) “that the balance of equities tips
7 in his favor,” and (4) “that an injunction is in the public interest.” *Am. Trucking Ass’ns v.*
8 *City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter v. Nat. Res. Def.*
9 *Council, Inc.*, 555 U.S. 7, 20 (2008)). The standard governing the issuance of a TRO and
10 a preliminary injunction are “substantially identical,” *Stuhlbarg Int’l Sales Co. v. John D.*
11 *Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001), except that a court may only issue a
12 TRO “without written or oral notice to the adverse party or its attorney” when (1) “specific
13 facts in an affidavit or a verified complaint clearly show that immediate and irreparable
14 injury, loss, or damage will result to the movant before the adverse party can be heard in
15 opposition”; and (2) “the movant’s attorney certifies in writing any efforts made to give
16 notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b)(1). Preliminary
17 injunctive relief is “an extraordinary remedy that may only be awarded upon a clear
18 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22.

19 Irreparable harm is a necessary element. *Id.* (“[P]laintiffs seeking preliminary
20 relief” must “demonstrate that irreparable injury is likely in the absence of an injunction.”)
21 Although the Ninth Circuit evaluates the likelihood of success and the balance of equities
22 on a “sliding scale,” a federal court may not grant a TRO or preliminary injunction unless
23 plaintiff shows he is likely to suffer irreparable harm. *Alliance for the Wild Rockies v.*
24 *Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011).

25 III. DISCUSSION

26 “Plaintiffs must establish that irreparable harm is *likely*, not just possible, in order to
27 obtain a preliminary injunction.” *Id.* at 1131. Plaintiff first alleges that he will suffer
28 “monetary” irreparable harm if the TRO is not issued because Defendant “Bonta takes bi-

1 monthly from Plaintiff” and “Bonta cannot be sued for damages . . . due to the realities of
2 absolute immunity.” (Pl’s Mem. at 18–19, ECF 37-1.) Ordinarily, however, monetary
3 harm is not irreparable because money damages usually provide adequate compensation
4 for monetary harm. *L.A. Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197,
5 1202 (9th Cir. 1980). Although Plaintiff argues that this monetary injury is “continuing”
6 (Pl’s Mem. at 19), he fails to show that extraordinary circumstances are present here
7 requiring injunctive relief. *See, e.g., hiQ Labs, Inc. v. LinkedIn Corp.*, 31 F.4th 1180,
8 1188–89 (9th Cir. 2022) (monetary damages threatening the survival of plaintiff’s
9 business); *McGirr v. Rehme*, 891 F.3d 603 (6th Cir. 2018) (“substantial chance” that
10 defendant will become insolvent before a judgment can be collected).

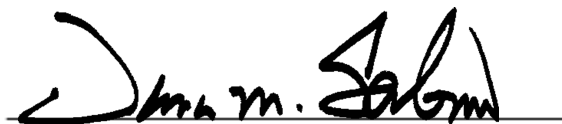
11 Further, it is unclear how the relief Plaintiff seeks is traceable to the defendants
12 against whom Plaintiff brings this action. Plaintiff explains that Defendant Bonta is
13 causing his monetary injury, yet he seeks a TRO against Defendants Labcorp and Maha.
14 The injunctive remedy Plaintiff seeks is an “Order forcing Defendants” to disclose “all
15 results, not a subset.” (Pl’s Mem. at 16 n.8, ECF 37-1.) Plaintiff does not explain why he
16 is “likely to suffer irreparable harm in the absence” of such an order. *Winter*, 555 U.S. at
17 20. It is not clear to the Court what connection there is between the remedy sought and the
18 harm alleged.

19 Plaintiff further argues that he will suffer “legal” irreparable harm if the TRO is not
20 issued. (Pl.’s Mem. at 19.) To the extent that Plaintiff describes the legal irreparable harm
21 as a continual “tak[ing] from Plaintiff with no stopping in sight,” the Court interprets this
22 as a repetition of the “monetary” irreparable harm argument rejected above. Plaintiff
23 explains that Defendant Judge Bubis caused this “legal” irreparable harm, yet he seeks a
24 TRO against Defendants Labcorp and Maha. It is again unclear to the Court why Plaintiff
25 is “likely to suffer irreparable harm in the absence of,” *Winter*, 555 U.S. at 20, the relief he
26 requests. For example, Plaintiff does not argue that the child support order would
27 immediately cease to operate as soon as Defendants release the alleged true or complete
28 results he claims they are concealing.

1 *Winter* factors. Plaintiff's ex parte application for TRO or preliminary injunction is
2 therefore **DENIED**.

3 **IT IS SO ORDERED.**

4 Dated: March 15, 2023

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7 Hon. Dana M. Sabraw, Chief Judge
8 United States District Court
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