

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BLAIR SWILER,

Plaintiff,

v.

Case No.: 2:24-cv-661-SPC-KCD

RSJ VENTURES, LLC,

Defendant.

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OPINION AND ORDER

Before the Court are Plaintiff's Renewed Motion for Temporary Restraining Order ("TRO") and Preliminary Injunction (Doc. 37) and Defendant's Response to the TRO request (Doc. 38). For the below reasons, the Court denies the request for a TRO and takes under advisement the request for a preliminary injunction.

The primary difference between a TRO and preliminary injunction is that a court may grant a TRO motion without notice to the opposing party or an opportunity to be heard. *See* Fed. R. Civ. P. 65(a)-(b). Accordingly, TROs "should be restricted to serving their underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a [preliminary-injunction] hearing, and no longer." *Granny Goose Foods, Inc.*

v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cnty., 415 U.S. 423, 439 (1974).


Plaintiff initiated this action nearly six months ago. Defendant has appeared, was served with the injunction motion, and filed an abbreviated response to the TRO request on the same day. (Doc. 38). Given this posture, the immediate *ex parte* relief provided by a TRO is inappropriate. *See Harley's Hope Found. v. Harley's Dream*, No. 22-CV-0136-WJM-STV, 2022 WL 824415, at *1 (D. Colo. Mar. 18, 2022). The Court denies the TRO request and takes the preliminary-injunction request under advisement.

Accordingly, it is now

ORDERED:

1. Plaintiff's Renewed Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 37) is **DENIED in part** as to its request for a TRO. The request for preliminary injunction remains under advisement.
2. **On or before January 17, 2025**, Defendant must respond to Plaintiff's request for preliminary injunction.
3. The Court will set a preliminary-injunction hearing by separate notice.

DONE and **ORDERED** in Fort Myers, Florida on January 7, 2025.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record