

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 12-61772-Civ-SCOLA/SNOW**

GEOFFREY EDELSTEN,

Plaintiff,

vs.

RAFAEL MAWARDI, *et al.*,

Defendants.

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**TEMPORARY RESTRAINING ORDER**

THIS MATTER is before the Court upon the Plaintiff's Emergency Motion for Preliminary Injunction (ECF No. 17). Under Fed. R. Civ. P. 65(a)(1), a Court may issue a preliminary injunction only on notice to the adverse party. However, Federal Rule of Civil Procedure 65(b) provides:

The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only 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).

The same standard applies for determination of whether to grant a temporary restraining order as for a preliminary injunction, requiring (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the nonmovant; and (4) that the entry of the relief would serve the public interest. *Schiavo v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005). The Plaintiff's Motion and attached affidavit states that the Defendants

attempted to extort him with threats that they will disseminate unauthorized photographs of the Plaintiff unless Plaintiff gives into their demands for money. The Motion and attached affidavit also state that the Defendants have been continually contacting the Plaintiff, despite his attempts to tell the Defendants, through his counsel, to stop attempting to communicate with him directly.

Having reviewed the motion, and without making a finding as to the truth of the Plaintiff's allegations, it is **ORDERED AND ADJUDGED** that the Emergency Motion for a Preliminary Injunction is **GRANTED IN PART** as follows:

(1) A temporary restraining order is hereby issued:

(a) The Defendants, their agents, servants, employees and attorneys and all other persons who are in active concert or participation with any of the aforementioned shall be **ENJOINED AND PROHIBITED** from making extortionate threats toward Plaintiff; disseminating any unauthorized photographs of Plaintiff, and from demanding monies from Plaintiff in exchange for not disseminating unauthorized photographs of Plaintiff.

(b) The Defendants, their agents, servants, employees and attorneys and all other persons who are in active concert or participation with any of the aforementioned shall be **ENJOINED AND PROHIBITED** from communicating with Plaintiff, except through Plaintiff's counsel.

(2) As a condition of this Order, and pursuant to Florida law and Fed. R. Civ. P. 65(c), the Plaintiff shall post a bond in the amount of **\$5,000** by **Tuesday, September 18, 2012 at 2:00 pm** to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.

(3) A Copy of this Order, together with the copies of the Complaint (ECF No. 1) and the present Motion (ECF No. 17), shall be personally served (or attempted to be

personally served) upon Defendants Rafael Mawardi, a/k/a “Alfie” Mawardi at 4142 N. 28<sup>th</sup> Terr., Hollywood, FL 33020, and Isaac Mawardi, a/k/a Keith Mawardi at 5601 Royal Oak Way, Fort Lauderdale, FL 33312 or at such other location at which Defendants may be found and that such service shall be deemed good and sufficient notice of this Order.

- (4) This temporary restraining order will expire within fourteen days of the entry of this order.
- (5) **A hearing on this motion shall be held at 9:15 AM on Tuesday, September 18, 2012 before the undersigned at 400 N. Miami Ave., Room 12-3, Miami, Florida 33128.**

**DONE and ORDERED** in chambers, at Miami, Florida on September 13, 2012 at 6:20 pm.

  
**ROBERT N. SCOLA, JR.**  
**UNITED STATES DISTRICT JUDGE**

*Copies to:*  
Designated U.S. Magistrate Judge  
Counsel of record