

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

LOVEVERY, INC.,

Plaintiff,

v.

DESMOND T. ADEMILUYI D/B/A
PLAYGENIUS.COM, ADEYINKA O.
ODELANA, MAYOWA O.
OYEDIRAN, MB AGENCY D/B/A
OMYTEQ, AND JANE DOE 1,
WHOSE TRUE NAME IS
UNKNOWN;

Defendants.

Case No. 1:23-cv-240-BLW

**MEMORANDUM, DECISION,
and ORDER**

Plaintiff Lovevery has moved to unseal the case, to extend the temporary restraining order (Dkt. 10) by 30 days, and to reset the preliminary injunction hearing. The Court will grant all the motions.

The Court may extend a temporary restraining order “for good cause . . . or [if] the adverse party consents to a longer extension.” Fed. R. Civ. P. 65(b)(2). Both options are satisfied here. On the one hand, the Court finds good cause exists because Mr. Ademiluyi has yet to retain counsel, and as a result, expedited discovery has yet to commence. An extension will allow Mr. Ademiluyi to retain counsel and comply with the expedited discovery provisions contemplated in the TRO. On the other hand, although Mr. Ademiluyi has not retained counsel or

appeared in the case pro se, he was present at a status conference with Court staff on May 18, 2023 and clearly indicated that he agreed to extending the TRO for 30 days. Under the circumstances, the Court considers that consent to a longer extension. Accordingly, the Court will extend the TRO for 30 days beyond its May 24, 2023 expiration date and will reset the preliminary injunction hearing for mid-June.

This case was initially filed under seal. Pursuant to local rules, Lovevery filed a motion to seal and the Clerk's Office sealed the case pending resolution of that motion. However, Lovevery has now moved to unseal the case—before the Court ruled on the motion to seal. The Court will grant the motion to unseal and deny the motion to seal as moot. In short, there is no argument or reason before the Court that would justify sealing the case, particularly given the “strong presumption in favor of access to court records.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

IT IS ORDERED:

1. The motion to extend the temporary restraining order (Dkt. 12) is
GRANTED. The temporary restraining order (Dkt. 10) will expire **on June 23, 2023 at 12:00 pm**.

2. The preliminary injunction hearing is set for May 25, 2023 is CONTINUED to **June 14, 2023 at 9:00 am mountain time**. The hearing will be held by Zoom.
3. The motion to unseal the case (Dkt. 13) is GRANTED.
4. The motion to seal case (Dkt. 4) is DENIED AS MOOT.



DATED: May 22, 2023

B. Lynn Winmill

B. Lynn Winmill
U.S. District Court Judge