

1 Plaintiff has not satisfied the TRO requirements. First, the Court cannot conclude
2 that Plaintiff has a likelihood of irreparable harm simply because Defendants allegedly have
3 control of Plaintiff's website and stock certificates. If Plaintiff succeeds on its claims, Defendants
4 could receive monetary compensation or declaratory relief, and this weighs heavily against
5 Plaintiff's claim of irreparable harm. *L.A. Mem'l Coliseum Comm'n v. Nat'l Football League*, 634
6 F.2d 1197, 1202 (9th Cir. 1980) (quoting *Sampson v. Murray*, 415 U.S. 61, 90 (1974) ("Mere
7 injuries, however substantial, in terms of money, time and energy necessarily expended . . . are not
8 enough. The possibility that adequate compensatory or other corrective relief will be available at a
9 later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable
10 harm.")) Second, the Court can do no more than infer that Defendants are liable for the alleged
11 misconduct from Plaintiff's new evidence. The emails Plaintiff submits may show a dispute
12 between the parties, but they do not show more than the possibility of misconduct. Thus, Plaintiff
13 has not shown a likelihood of success. Because Plaintiff has not shown a likelihood of success or
14 irreparable harm, the Court need not address the balance of equities or public interest.
15 Accordingly, the Court denies Plaintiff's Motion.

16 **II. *Ex Parte* Injunctive Relief**

17 While the Court has denied Plaintiff's TRO motion, the Court notes that this
18 motion is Plaintiff's second request for *ex parte* relief, and a motion for preliminary injunction is
19 still pending. The standard for obtaining *ex parte* relief under Rule 65 is very stringent. *Reno Air*
20 *Racing Ass'n v. McCord*, 452 F.3d 1126, 1130 (9th Cir. 2006). The Court will only issue an *ex*
21 *parte* TRO where it appears there would be an irreparable injury before the responding party can
22 be heard. Fed. R. Civ. P. 65(b)(1)(A). In reality, a TRO is a temporary preliminary injunction
23 issued for a limited period of time until the time when the opposing party has an opportunity to be
24 heard. Rule 65's stringent restrictions "reflect the fact that our entire jurisprudence runs counter to
25 the notion of court action taken before reasonable notice and an opportunity to be heard has been
26 /

