

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JANE S. BAUM; et al

Plaintiffs,

No. 3:13-cv-00011-HZ

AMENDED
TEMPORARY
RESTRAINING
ORDER

v.

COLUMBIA COUNTY; et al

Defendants.

HERNANDEZ, District Judge:

Now before me is Plaintiff's [sic] Application for a Temporary Restraining Order and Preliminary Injunction and Memorandum in Support Thereof ("Application for TRO and Preliminary Injunction") (doc. #3) filed pursuant to rule 65 of the Federal Rules of Civil Procedure ("Rule"). Jane S. Baum ("Baum") and Viewcrest Farms, LLC

(“Viewcrest”) (collectively, “Plaintiffs”) seek to prohibit the disposition of “approximately 167 head of cattle by foreclosure sale” on January 14, 2013, by Columbia County, Henry Heimuller (“Heimuller”), Tony Hyde (“Hyde”), and Earl Fisher (“Fisher”) (collectively, “Defendants”). Compl., ¶¶ 1, 39; Id., Ex. G, pp. 1-8.


Based on the record before me, I conclude Plaintiffs are entitled to a temporary restraining order pending a hearing on their request for a preliminary injunction. At this time, I find that a temporary restraining order is necessary to prevent Plaintiffs’ “[l]oss of livelihood derived from [sic] the breeding and sale of cattle.” Appl. for TRO and Prelim. Inj., p. 13.

Pursuant to this temporary restraining order, Defendants are prohibited from selling or otherwise disposing of the cattle. Plaintiffs, however, are required to deposit with the Clerk’s Office the amount of \$2,000 in cash. The \$2,000 shall serve as security to pay the costs and damages sustained in the event that the temporary restraining order is wrongful. See Fed. R. Civ. P. 65(c).

Defendants are ordered to appear before this Court on Tuesday, January 22, 2013, at 10:00 a.m., to show cause why the preliminary injunction sought by Plaintiffs should not be granted. Defendants shall file a responsive brief to Plaintiffs’ Application for TRO and Preliminary Injunction by 4:00 p.m. on Friday, January 11, 2013. Plaintiffs’ reply is due by 12:00 p.m., January 16, 2013.

IT IS SO ORDERED.

Dated this 8 day of Jan, 2013.


MARCO A. HERNANDEZ
United States District Judge