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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEIL M. ROSE, et al.,

Plaintiff(s),

v.

CRAIG WILLIAM MILLER, et al.,

Defendant(s).

NO. C06-1115RSM

ORDER ON EMERGENCY MOTION
FOR INJUNCTIVE RELIEF

The above-entitled Court, having received and reviewed:

- 1. Emergency Motion for Injunctive Relief
- 2. Complaint for Damages

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS HEREBY ORDERED that the Emergency Motion for Injunctive Relief is DENIED.

This matter was filed on August 8, 2006 and assigned to the Honorable Ricardo S. Martinez. As Judge Martinez was unavailable to review Plaintiff’s motion on the day of filing, the matter was referred to the Honorable Marsha J. Pechman due to the allegations of the emergency nature of the motion.

Plaintiff’s motion (which he titled an “Emergency Motion for Injunctive Relief” and which the Court is treating as a request for a Temporary Restraining Order [“TRO”]) is deficient in several respects. FRCP 65 sets forth the requirements for such an extraordinary form of injunctive relief and none of those requirements are met by Plaintiff’s pleadings or proposed order. Specifically, Plaintiff’s motion is lacking:

- 1. An application for TRO which defines the nature of the injury and why it is irreparable;

- 1 2. A provision of security for costs and damages if a party is wrongfully enjoined;
- 2 3. A form of order which specifically sets forth the reasons for the issuance of the TRO,
- 3 the specific terms described in reasonable details, the acts to be restrained, all parties
- 4 and their officers and agents who are to be bound by the order, and when it is to expire;
- 5 and
- 6 4. Notice to all who are to be bound by personal service or otherwise.

7 *See* FRCP 65(d).

8 Furthermore, the motion seeks to enjoin the actions of the United States Bankruptcy Court for
9 the Western District of Washington, at Tacoma. The Bankruptcy Court is not a party to this action.

10 For the reasons cited above, Plaintiff's motion will be DENIED.

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12 The clerk is directed to provide copies of this order to all parties and counsel of record.

13 Dated: August __8__, 2006

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16 Marsha J. Pechman for
17 Ricardo S. Martinez
18 U.S. District Judge
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