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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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10 BP WEST COAST PRODUCTS, LLC,

11 Plaintiff,

12 v.

13 HATEM SHALABI, an individual; et al.,

14 Defendant.

CASE NO. C11-1341MJP

ORDER DENYING MOTION  
FOR TEMPORARY  
RESTRAINING ORDER


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16 This matter comes before the Court on Plaintiff BP West Coast Products, LLC's  
17 ("BP"), motion for a temporary restraining order (Dkt. 5).

18 On August 12, 2011, BP filed a complaint against Defendants alleging breach of  
19 contract, federal trademark infringement, common law trademark infringement, unfair  
20 competition, trademark dilution, and violation of the Washington Consumer Protection  
21 Act. Dkt. 1. BP also filed a motion for temporary restraining order. Dkt. 2. BP's  
22 attorney, K. Michael Fandel, declares that he has communicated the filing of the instant  
23 action and motion for a temporary restraining order to the attorney representing  
24 Defendants in a separate action. Dkt. 5, Declaration of K. Michael Fandel, ¶ 2. Mr.  
25 Fandel argues that the Court should not require additional notice because Defendants are  
26 presently causing damage and irreparable harm. *Id.* ¶ 3.

1 A court may only issue a temporary restraining order without notice to the other  
2 party based on certain facts and clear showings. Fed. R. Civ. P. 65(b)(1). In this case, BP  
3 has failed to meet its burden for the issuance of extraordinary relief without notice and/or  
4 an opportunity to be heard by the adverse party.

5 Therefore, it is hereby **ORDERED** that BP's motion for a temporary restraining to  
6 be issued without notice is **DENIED** and the Court will note the motion for further  
7 consideration on August 22, 2011. The Court directs BP to make all reasonable efforts to  
8 give Defendants notice of this action, the motion for temporary restraining order, this  
9 order, and the noting date for the motion.

10 DATED this 12<sup>th</sup> day of August, 2011.

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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