Ilyia v. El Khoury et al		
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5	UNITED STATES DISTRICT COURT	
6	WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
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8	ELIAS ILYIA,	No. C11-1593RSL
9	Plaintiff,)	
10	v.)	ORDER DENYING MOTION FOR TEMPORARY RESTRAINING
11	MAROUN N. EL KHOURY, et al.,	ORDER
12	Defendants.	
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14	Plaintiff Elias Ilyia seeks a temporary order (a) sequestering and freezing	
15	defendants' assets and (b) appointing a custodial receiver to take charge of four companies, the	
16	ownership of which is disputed in the above-captioned matter. Plaintiff has not served	
17	defendants or otherwise provided notice of the motion. Having reviewed the papers submitted in	
18	this matter, the Court finds as follows:	
19	In order to obtain preliminary injunctive relief without notice to the adverse party,	
20	plaintiff must provide "specific facts in an affidavit or a verified complaint clearly show[ing]	
21	that immediate and irreparable injury, loss, or damage will result to the movant before the	
22	adverse party can be heard in opposition" and an explanation of why notice should not be	
23	required. Fed. R. Civ. P. 65(b)(1). Plaintiff has not made the required showing: his complaint	
24	is not verified, nor has he provided the required affidavit. His claim of immediate and	
25	irreparable loss is based on counsel's assertion that defendants transferred \$7 million from the	
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	ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER	
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companies to themselves on June 27, 2011, shortly after plaintiff broke with defendant Maroun N. El Khoury. Motion (Dkt. # 2) at 4. This assertion is unsworn, and the only evidence provided is a checking account statement that is not properly authenticated and does not, in and of itself, link the funds to the four companies at issue in this litigation. Even if the Court assumes that the anonymous handwritten notes on the statement are accurate, there is no evidence regarding the current management situation at the companies or whether defendant Maroun N. El Khoury retains the ability to unilaterally transfer company assets. It has been three months since the \$7 million transfer occurred, and there is no indication that defendants have absconded or attempted to abscond with additional assets during that period. Plaintiff has therefore failed to clearly show that an immediate and irreparable loss will result if defendants are given notice of this lawsuit prior to consideration of plaintiff's request for preliminary injunctive relief.

For all of the foregoing reasons, plaintiff's motion for entry of a temporary restraining order without notice is DENIED without prejudice. Plaintiff may seek expedited preliminary relief after the complaint and summons are served on defendants.

Dated this 27th day of September, 2011.

Robert S. Lasnik

MMS Casnik

United States District Judge