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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

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7 ANTHONY ABUZEIDE, Special  
Administrator for the Estate of Jack Berry  
8 Dane,

9 Plaintiff,

10 v.

11 OPENROAD AUTO GROUP, INC., a  
12 Washington corporation d/b/a BELLEVUE  
13 LAMBORGHINI ROLLS-ROYCE  
14 BENTLEY,

15 Defendant.

Case No. C17-583 RSM

ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER

16 This matter comes before the Court on Plaintiff's Motion for Temporary Restraining  
17 Order ("TRO"). Dkt #2. The Court has examined Plaintiff's Motion and determined that  
18 Plaintiff has not attached a certificate of service nor requested issuance without notice.

19 "Motions for temporary restraining orders without notice to and an opportunity to be  
20 heard by the adverse party are disfavored and will rarely be granted." LCR 65(b)(1). "The  
21 Court may issue a temporary restraining order without written or oral notice to the adverse  
22 party or its attorney only if specific facts in an affidavit or a verified complaint clearly show  
23 that immediate and irreparable injury, loss, or damage will result to the movant before the  
24 adverse party can be heard in opposition; *and the movant's attorney certifies in writing any*  
25 *efforts made to give notice and the reasons why it should not be required.*" Fed. R. Civ. P.  
26 65(b)(1) (emphasis added). Unless these requirements are satisfied, "the moving party must  
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ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER - 1

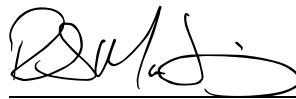
1 serve all motion papers on the opposing party before or contemporaneously with the filing of  
2 the motion *and include a certificate of service with the motion.*” LCR 65(b)(1) (emphasis  
3 added). “Unless the Court orders otherwise, the adverse party must (1) file a notice indicating  
4 whether it plans to oppose the motion within twenty-four hours after service of the motion, and  
5 (2) file its response, if any, within forty-eight hours after the motion is served.” LCR 65(b)(5).  
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7 The Court concludes that Plaintiff has failed to satisfy the above procedural  
8 requirements for a TRO and will deny this Motion on that ground alone. Although Plaintiff  
9 moves for relief above and beyond the issuance of a TRO, the Court concludes that granting  
10 any of the requested relief would be improper without notice to Defendant. The Court notes  
11 that Plaintiff is free to refile this Motion after satisfying the above procedural requirements.  
12

13 Having considered Plaintiff’s Motion and the remainder of the record, the Court hereby  
14 finds and ORDERS:

- 15 (1) Plaintiff’s Motion for Temporary Restraining Order (Dkt. #2) is DENIED.  
16  
17 (2) Plaintiff is DIRECTED to serve a copy of this Order on Defendant.  
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19 (3) If Defendant is served with a subsequent TRO Motion on April 14, 2017, through  
20 April 16, 2017, the Court will extend the deadline for Defendant to file a notice  
21 indicating whether it plans to oppose the motion to noon on April 18, 2017, and the  
22 deadline to file a response, if any, to noon on April 19, 2017. If Defendant is served  
23 after April 16, 2017, the deadlines to respond remain as stated in LCR 65(b)(5).

24 DATED this 14<sup>th</sup> day of April 2017.

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27 RICARDO S. MARTINEZ  
28 CHIEF UNITED STATES DISTRICT JUDGE