

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MANATRON, INC. dba THOMSON
11 REUTERS TAX & ACCOUNTING,
GOVERNMENT, a Michigan corporation,

12 Plaintiff,

13 v.

14 SNOHOMISH COUNTY, a governmental
15 subdivision of Washington State; COWLITZ
16 COUNTY, a governmental subdivision of
17 Washington State; and TYLER
18 TECHNOLOGIES, INC., a Delaware
corporation,

19 Defendants.

Case No. C17-959RSM

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER

20 This matter comes before the Court on Plaintiff's Motion for Temporary Restraining
21 Order ("TRO"), Dkt #2. Plaintiff moves the Court to issue a TRO "restraining Defendants
22 Snohomish County and Cowlitz County (collectively "Counties"), from disclosing and/or
23 making public [Plaintiff's] Responses to Snohomish County Request for Proposal ("RFP")
24 #21-16SB and Cowlitz County RFP #05-2016 ("Responses"), which the Counties intend to
25 disclose on June 22 and June 30, 2017 to Tyler Technologies, Inc. ("Tyler") a key competitor."

26
27 *Id.* at 2.
28

1 “Motions for temporary restraining orders without notice to and an opportunity to be
2 heard by the adverse party are disfavored and will rarely be granted.” LCR 65(b)(1). “The
3 Court may issue a temporary restraining order without written or oral notice to the adverse
4 party or its attorney only if specific facts in an affidavit or a verified complaint clearly show
5 that immediate and irreparable injury, loss, or damage will result to the movant before the
6 adverse party can be heard in opposition; *and the movant’s attorney certifies in writing any*
7 *efforts made to give notice and the reasons why it should not be required.*” Fed. R. Civ. P.
8 65(b)(1) (emphasis added). Unless these requirements are satisfied, “the moving party must
9 serve all motion papers on the opposing party before or contemporaneously with the filing of
10 the motion *and include a certificate of service with the motion.*” LCR 65(b)(1) (emphasis
11 added).
12
13

14 The Court has examined Plaintiff’s Motion and finds that Plaintiff has not attached a
15 certificate of service nor requested issuance without notice. Instead, Plaintiff has attached a
16 “Declaration of Service” indicating that Plaintiff has emailed copies of this TRO to Defendants
17 and will properly serve them at a later date. Dkt. #4. Plaintiff fails to attach any waiver of
18 service. The Court finds that Plaintiff’s Declaration of Service fails to satisfy the notice
19 requirements of LCR 65(b)(1). By acknowledging that service will be accomplished at a later
20 date, Plaintiff seems to admit that it has not properly given notice to Defendants, yet fails to
21 provide the reasons why notice should not be required. The Court therefore concludes that
22 Plaintiff has failed to satisfy the above procedural requirements for a TRO and will deny this
23 Motion on that ground alone.
24
25

26 The record shows that Plaintiff has been in communication with Defendants Snohomish
27 County and Tyler Technologies, Inc. about the records at issue in this case. *See* Dkt. #3 at ¶7
28

1 (Declaration of Jane Pope). Plaintiff has negotiated to delay the release of those records from
2 June 8, 2017, to June 22, 2017. *Id.* However, Plaintiff has apparently waited until the last
3 possible moment, 3:21 PM on June 22, 2017, to request a TRO from the Court. *See* Receipt for
4 Dkt. #2. If Snohomish County has not already released the records at issue, it would not have
5 been possible for the Court to review Plaintiff's Motion and issue an Order by June 22, 2017.
6 Accordingly, that portion of Plaintiff's TRO appears to be futile. The Court notes that Plaintiff
7 is free to refile this Motion after satisfying the above procedural requirements.
8

9 Having considered Plaintiff's Motion and the remainder of the record, the Court hereby
10 finds and ORDERS:

- 11 (1) Plaintiff's Motion for Temporary Restraining Order, Dkt. #2, is DENIED.
12 (2) Plaintiff is DIRECTED to serve a copy of this Order on Defendants.
13

14
15 DATED this 23rd day of June, 2017.
16

17
18 

19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28