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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RUSSELL DEAN HARRIS,

11 Plaintiff,

12 v.

13 LAW SCHOOL ADMISSION COUNSEL,
14 SEATTLE UNIVERSITY SCHOOL OF
15 LAW, NATASHA MURPHY, LSAC
16 REGIONAL COORDINATOR, in their
official capacities,

17 Defendants.
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Case No. C17-1261RSM

MINUTE ORDER

19 The following MINUTE ORDER is made by direction of the Court, the Honorable
20 Ricardo S. Martinez, Chief United States District Judge: On August 21, 2017, *pro se* Plaintiff
21 Russell Dean Harris filed a Motion for a Temporary Restraining Order (“TRO”) against
22 Defendants Law School Admission Counsel (“LSAC”), Seattle University School of Law, and
23 Natasha Murphy, seeking a court order requiring Defendants to provide certain
24 accommodations for Mr. Harris in the upcoming September 16, 2017, Law School Admissions
25 Test (“LSAT”). Dkt. #7. Mr. Harris requests this Motion be heard *ex parte*, *i.e.* without notice
26 and an opportunity to be heard, arguing that the applicable Rule 65(b) requirements are met.
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MINUTE ORDER - 1

1 Dkt. #4 at 1. Mr. Harris states in an affidavit of service that he has delivered copies of this
2 Motion to Defendants LSAC and Natasha Murphy via fax and U.S. mail. *Id.* at 6. Plaintiff
3 does not indicate that Defendant Seattle University has been served.

4 “The Court may issue a temporary restraining order without written or oral notice to the
5 adverse party or its attorney only if specific facts in an affidavit or a verified complaint clearly
6 show that immediate and irreparable injury, loss, or damage will result to the movant before the
7 adverse party can be heard in opposition; and the movant’s attorney certifies in writing any
8 efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P.
9 65(b)(1). The Court’s Local Rules otherwise allow for the adverse party or parties to file a
10 Response to a TRO. *See* LCR 65(b)(5). The adverse party must file a notice “indicating
11 whether it plans to oppose the motion within twenty-four hours after service of the motion,”
12 and “file its response, if any, within forty-eight hours after the motion is served.” *Id.* No reply
13 is permitted from Plaintiff. *Id.*

14 “Unless the requirements of Fed. R. Civ. P. 65(b) for issuance without notice are
15 satisfied, the moving party must serve all motion papers on the opposing party before or
16 contemporaneously with the filing of the motion and include a certificate of service with the
17 motion.” LCR 65(b)(1).

18 The Court has reviewed Mr. Harris’ Motion and finds he has failed to demonstrate that
19 immediate and irreparable injury will result before Defendants can be heard in opposition.
20 There is no evidence on the record that any harm will occur to Mr. Harris in the next 48 hours.
21 The testing date is several weeks away and LSAC’s apparent deadline for Mr. Harris to seek
22 accommodation has already passed. *See* Dkt. #3 at 39, 48. Accordingly, the Court will not
23 grant *ex parte* relief and Defendants may file a response pursuant to Local Rule 65(b)(5).
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