HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TIMOTHY MEAMBER,

Plaintiff,

v.

JAVLIN ONE LLC,

Defendant.

CASE NO. C17-1628 RAJ

ORDER

This matter comes before the Court on Plaintiff Timothy Meamber's motion for temporary restraining order. Dkt. # 8. Defendant Javlin One LLC ("Javlin" or "Defendant") opposes the motion. Dkt. # 14.

To obtain preliminary injunctive relief, Plaintiff must "establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). The standard for a temporary restraining order is substantially the same. *ProtectMarriage.com - Yes on 8 v. Courage Campaign*, 680 F. Supp. 2d 1225, 1228 (E.D. Cal. 2010) (citing *Winter*); *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240

F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary restraining order standards are "substantially identical").

Plaintiff did not meet his burden to obtain a temporary restraining order. Plaintiff has not shown that he will suffer irreparable harm. In his motion, Plaintiff concedes that any monetary award from his settlement would remain in a trust account. Dkt. # 8 at 2. Therefore, there does not appear to be an urgency for these funds, nor does it appear that Plaintiff could not be made whole should he receive a monetary judgment in this matter. This is enough to preclude the Court from issuing a temporary restraining order.

Because a temporary restraining order is "an extraordinary remedy [that is] never awarded as of right," the Court concludes that granting the motion is inappropriate in this context. *See Winter*, 555 U.S. at 24. Accordingly, the Court **DENIES** Plaintiff's motion. Dkt. # 8.

Dated this 20th day of November, 2017.

The Honorable Richard A. Jones
United States District Judge