

1 HONORABLE RONALD B. LEIGHTON

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 USAA FEDERAL SAVINGS BANK,

10 Plaintiff,

v.

11 DANIEL and KATHLEEN
12 BOUCHARD,

13 Defendants.

CASE NO. C17-5590RBL

ORDER GRANTING TRO AND
SETTING PRELIMINARY
INJUNCTION HEARING

14 THIS MATTER is before the Court on Plaintiff USAA's Motion for a Temporary
15 Restraining Order, precluding Underwriters at Lloyds, London from disbursing to Defendants
16 Daniel and Kathleen Bouchard insurance proceeds from or related to its policy no.
17 DIC3100336-1.

18 The purpose of a TRO is "preserving the status quo and preventing irreparable harm just
19 so long as is necessary to hold a hearing [on the preliminary injunction application], and no
20 longer." *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers*, 415
21 U.S. 423 (1974); *see also Reno Air Racing Ass'n v. McCord*, 452 F.3d 1126, 1130-31 (9th Cir.
22 2006). To obtain a TRO or a preliminary injunction, the moving party must show: (1) a
23 likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in
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1 the absence of preliminary relief; (3) that a balance of equities tips in the favor of the moving
2 party; and (4) that an injunction is in the public interest. *Winter v. Natural Res. Def. Council,*
3 *Inc.*, 555 U.S. 7, 20 (2008).

4 Traditionally, injunctive relief was also appropriate under an alternative “sliding scale”
5 test. *The Lands Council v. McNair*, 537 F.3d 981, 987 (9th Cir. 2008). However, the Ninth
6 Circuit overruled this standard in keeping with the Supreme Court’s decision in *Winter*.
7 *American Trucking Ass’ns Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009)
8 (holding that “[t]o the extent that our cases have suggested a lesser standard, they are no longer
9 controlling, or even viable”).

10 Plaintiff USAA has met this standard. Plaintiff USAA FSB’s Emergency Motion for
11 Temporary Restraining Order is GRANTED

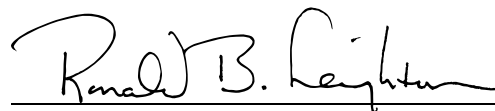
12 Daniel and Kathleen Bouchard are ENJOINED from receiving any insurance proceeds
13 from Underwriters at Lloyds, London arising from policy no. DIC3100336-1.

14 This Temporary Restraining Order is effective up to the time that this Court rule on
15 Plaintiff’s application for a preliminary injunction. **The Court will hear argument on the**
16 **preliminary injunction AUGUST 18 at 2:00 p.m.** Defendants’ Response to the Motion shall be
17 filed and served no later than AUGUST 14. Any Reply shall be filed by AUGUST 17.

18 The security provision of Federal Rule of Civil Procedure 65(c) is waived.

19 IT IS SO ORDERED

20 Dated this 7th day of August, 2017.

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23 Ronald B. Leighton
24 United States District Judge