

1 **Rule 65A. Injunctions.**

2 (a) **Preliminary injunctions.**

3 (1) **Notice.** The court will not issue a preliminary injunction without notice to the
4 adverse party.

5 (2) **Consolidation of hearing.** Before or after the commencement of the hearing of an
6 application for a preliminary injunction, the court may order the trial of the action on
7 the merits to be advanced and consolidated with the hearing of the application. Even
8 when this consolidation is not ordered, any evidence received upon an application for
9 a preliminary injunction which would be admissible at the trial on the merits becomes
10 part of the trial record and need not be repeated at the trial. The court will construe
11 and apply this paragraph as to preserve any rights the parties may have to trial by
12 jury.

13 (b) **Temporary restraining orders.**

14 (1) **Notice.** The court will not grant a temporary restraining order without notice to
15 the adverse party or that party's attorney unless (A) it clearly appears from specific
16 facts shown by affidavit or by the verified complaint that immediate and irreparable
17 injury, loss, or damage will result to the applicant before the adverse party or that
18 party's attorney can be heard in opposition; and (B) the applicant or the applicant's
19 attorney certifies to the court in writing as to the efforts, if any, that have been made
20 to give notice and the reasons supporting the claim that notice should not be required.

21 (2) **Form of order.** Every temporary restraining order will be endorsed with the date
22 and hour of issuance and will be filed forthwith in the court clerk's office and entered
23 of record. The order will define the injury and state why it is irreparable. The order
24 will expire by its terms within such time after entry, not to exceed 14 days, as the court
25 fixes, unless within the time so fixed, the order, for good cause shown, is extended for
26 a like period or unless the party against whom the order is directed consents that it

27 may be extended for a longer period. The reasons for the extension will be entered in
28 the record.

29 **(3) Scheduling conference and priority of preliminary injunction hearing.** If a
30 temporary restraining order is granted:

31 (A) Within three business days of the order being granted, the court will hold a
32 scheduling conference. Before the conference, counsel for the parties must meet
33 and confer regarding:

34 (i) any necessary modification to the order;

35 (ii) an expedited briefing schedule for the preliminary injunction motion;

36 (iii) deadlines for disclosing witnesses and exhibits for the preliminary
37 injunction hearing; and

38 (iv) the expected length of the preliminary injunction hearing.

39 (B) Unless the parties otherwise agree, the court will schedule the preliminary
40 injunction hearing at the earliest possible time and give the matter precedence over
41 all other matters except older matters of the same character. At the hearing, the
42 party who obtained the temporary restraining order has the burden to show
43 entitlement to a preliminary injunction; if the party does not meet that burden, the
44 court will dissolve the temporary restraining order.

45 **(4) Dissolution or modification.** On 48-hours' notice to the party who obtained the
46 temporary restraining order without notice, or on such shorter notice to that party as
47 the court may order, the adverse party may appear and move for dissolution or
48 modification of the order. In that event, the court will hear and determine the motion
49 as expeditiously as the ends of justice require.

50 **(c) Security.**

51 **(1) Requirement.** The court will condition issuance of the order or injunction on the
52 applicant's giving of security in such sum and form as the court deems proper, unless

53 it appears that none of the parties will incur or suffer costs, attorney fees, or damage
54 as the result of any wrongful order or injunction, or unless there exists another
55 substantial reason for dispensing with the security requirement. The court will not
56 require any such security of the United States, the State of Utah, or of an officer,
57 agency, or subdivision of either; nor will the court require any such security when it
58 is prohibited by law.

59 (2) **Amount not a limitation.** The amount of security does not establish or limit the
60 amount of costs, including reasonable attorney fees incurred in connection with the
61 restraining order or preliminary injunction, or damages that may be awarded to a
62 party who is found to have been wrongfully restrained or enjoined.

63 (3) **Jurisdiction over surety.** A surety upon a bond or undertaking under this rule
64 submits to the jurisdiction of the court and irrevocably appoints the court clerk as
65 agent upon whom any papers affecting the surety's liability on the bond or
66 undertaking may be served. The surety's liability may be enforced on motion without
67 the necessity of an independent action. The motion and such notice of the motion as
68 the court prescribes may be served on the court clerk who will forthwith mail copies
69 to the persons giving the security if their addresses are known.

70 (d) **Form and scope.** The court will set forth the reasons for the issuance of any restraining
71 order or preliminary injunction. The court's order will be specific in terms and will
72 describe in reasonable detail, and not by reference to the complaint or other document,
73 the act or acts restrained. The court's order will be binding only upon the parties to the
74 action, their officers, agents, servants, employees, and attorneys, and upon those persons
75 in active concert or participation with them who receive notice, in person or through
76 counsel, or otherwise, of the order. If the court grants a restraining order without notice
77 to the party restrained, the court will state the reasons justifying its decision to proceed
78 without notice.

79 (e) **Grounds.** The court may grant a restraining order or preliminary injunction only
80 upon a showing by the applicant that:

- 81 (1) there is a substantial likelihood that the applicant will prevail on the merits of the
82 underlying claim;
- 83 (2) the applicant will suffer irreparable harm unless the order or injunction issues;
- 84 (3) the threatened injury to the applicant outweighs whatever damage the proposed
85 order or injunction may cause the party restrained or enjoined; and
- 86 (4) the order or injunction, if issued, would not be adverse to the public interest.