

1 **Rule 65A. Injunctions.**

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3 (a) **Preliminary injunctions.**

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5 (a)(1) **Notice.** No preliminary injunction shall be issued without notice to the
6 adverse party.

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8 (a)(2) **Consolidation of hearing.** Before or after the commencement of the
9 hearing of an application for a preliminary injunction, the court may order the
10 trial of the action on the merits to be advanced and consolidated with the hearing
11 of the application. Even when this consolidation is not ordered, any evidence
12 received upon an application for a preliminary injunction which would be
13 admissible at the trial on the merits becomes part of the trial record and need not
14 be repeated at the trial. This subdivision (a)(2) shall be so construed and applied
15 as to save to the parties any rights they may have to trial by jury.

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

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19 (b)(1) **Notice.** No temporary restraining order shall be granted without notice to
20 the adverse party or that party's attorney unless (A) it clearly appears from
21 specific facts shown by affidavit or by the verified complaint that immediate and
22 irreparable injury, loss, or damage will result to the applicant before the adverse
23 party or that party's attorney can be heard in opposition, and (B) the applicant or
24 the applicant's attorney certifies to the court in writing as to the efforts, if any,
25 that have been made to give notice and the reasons supporting the claim that
26 notice should not be required.

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28 (b)(2) **Form of order.** Every temporary restraining order shall be endorsed with
29 the date and hour of issuance and shall be filed forthwith in the clerk's office and
30 entered of record. The order shall define the injury and state why it is
31 irreparable. The order shall expire by its terms within such time after entry, not
32 to exceed 14 days, as the court fixes, unless within the time so fixed the order, for
33 good cause shown, is extended for a like period or unless the party against
34 whom the order is directed consents that it may be extended for a longer period.
35 The reasons for the extension shall be entered of record.

36
37 (b)(3) **Priority of hearing.** If a temporary restraining order is granted, the motion
38 for a preliminary injunction shall be scheduled for hearing at the earliest possible
39 time and takes precedence over all other civil matters except older matters of the
40 same character. When the motion comes on for hearing, the party who obtained
41 the temporary restraining order shall have the burden to show entitlement to a
42 preliminary injunction; if the party does not do so, the court shall dissolve the
43 temporary restraining order.

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

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53 (c)(1) **Requirement.** The court shall condition issuance of the order or injunction
54 on the giving of security by the applicant, in such sum and form as the court
55 deems proper, unless it appears that none of the parties will incur or suffer costs,
56 attorney fees or damage as the result of any wrongful order or injunction, or
57 unless there exists some other substantial reason for dispensing with the
58 requirement of security. No such security shall be required of the United States,
59 the State of Utah, or of an officer, agency, or subdivision of either; nor shall it be
60 required when it is prohibited by law.
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62 (c)(2) **Amount not a limitation.** The amount of security shall not establish or
63 limit the amount of costs, including reasonable attorney fees incurred in
64 connection with the restraining order or preliminary injunction, or damages that
65 may be awarded to a party who is found to have been wrongfully restrained or
66 enjoined.
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68 (c)(3) **Jurisdiction over surety.** A surety upon a bond or undertaking under this
69 rule submits to the jurisdiction of the court and irrevocably appoints the clerk of
70 the court as agent upon whom any papers affecting the surety's liability on the
71 bond or undertaking may be served. The surety's liability may be enforced on
72 motion without the necessity of an independent action. The motion and such
73 notice of the motion as the court prescribes may be served on the clerk of the
74 court who shall forthwith mail copies to the persons giving the security if their
75 addresses are known.
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77 (d) **Form and scope.** Every restraining order and order granting an injunction shall set
78 forth the reasons for its issuance. It shall be specific in terms and shall describe in
79 reasonable detail, and not by reference to the complaint or other document, the act or
80 acts sought to be restrained. It shall be binding only upon the parties to the action, their
81 officers, agents, servants, employees, and attorneys, and upon those persons in active
82 concert or participation with them who receive notice, in person or through counsel, or
83 otherwise, of the order. If a restraining order is granted without notice to the party
84 restrained, it shall state the reasons justifying the court's decision to proceed without
85 notice.
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87 (e) **Grounds.** A restraining order or preliminary injunction may issue only upon a
88 showing by the applicant that:

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90 (e)(1) there is a substantial likelihood that the applicant will prevail on the merits
91 of the underlying claim:

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93 ~~(e)(1) The (2) the~~ applicant will suffer irreparable harm unless the order or
94 injunction issues;

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96 ~~(e)(2) The (3) the~~ threatened injury to the applicant outweighs whatever damage
97 the proposed order or injunction may cause the party restrained or enjoined; and

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99 ~~(e)(3) The (4) the~~ order or injunction, if issued, would not be adverse to the public
100 interest; ~~and.~~

101
102 ~~(e)(4) There is a substantial likelihood that the applicant will prevail on the~~
103 ~~merits of the underlying claim, or the case presents serious issues on the merits~~
104 ~~which should be the subject of further litigation.~~

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106 **(f) Motion for reconsideration.**

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108 (f)(1) A party enjoined or restrained by a restraining order or a preliminary
109 injunction on the effective date of this resolution may move the court to
110 reconsider whether the order or injunction should remain in effect if the order or
111 injunction:

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113 (A) is in writing;

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115 (B) is restraining or enjoining the enforcement of a law; and

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117 (C) explicitly states that the court granted the order or injunction on the
118 ground that the case presented serious issues on the merits which should be
119 the subject of further litigation.

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121 (f)(2) A motion for reconsideration under this paragraph (f) may be filed at any
122 time before the final determination of the case.

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124 (f)(3) Upon a motion for reconsideration, the court must determine whether the
125 issuance of the restraining order or preliminary injunction meets the
126 requirements in paragraph (e) regardless of the requirements for the issuance of
127 the order or injunction on the day on which the order or injunction was issued.
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129 [\(f\)\(4\) If the court determines that the issuance of the restraining order or](#)
130 [preliminary injunction does not meet the requirements of paragraph \(e\), the](#)
131 [court must terminate the order or injunction.](#)

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133 ~~(f)~~(g) **Domestic relations cases.** Nothing in this rule shall be construed to limit the
134 equitable powers of the courts in domestic relations cases.

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136 [Effective: 02/14/2023](#)

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