

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
7 on the merits to be advanced and consolidated with the hearing of the application.
8 Even when this consolidation is not ordered, any evidence received upon an
9 application for a preliminary injunction which would be admissible at the trial on
10 the merits becomes part of the trial record and need not be repeated at the trial. The
11 court will construe and apply this paragraph as to preserve any rights the parties
12 may have to trial by 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
21 required.

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

28 consents that it may be extended for a longer period. The reasons for the extension
29 will be entered in the record.

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

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

35 (i) any necessary modification to the order;

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

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

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

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

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

51 **(c) Security.**

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

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

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

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

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

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

82 (1) there is a substantial likelihood that the applicant will prevail on the merits of the
83 underlying claim;

84 (2) the applicant will suffer irreparable harm unless the order or injunction issues;

85 (3) the threatened injury to the applicant outweighs whatever damage the proposed
86 order or injunction may cause the party restrained or enjoined; and

87 (4) the order or injunction, if issued, would not be adverse to the public interest.

88 *Effective May/November 1, 20__*

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