

## **Rule 65. Injunctions and Restraining Orders**

### **(a) PRELIMINARY INJUNCTION.**

(1) *Notice.* The court may issue a preliminary injunction only on notice to the adverse party.

(2) *Consolidating the Hearing with the Trial on the Merits.* Before or after beginning the hearing of a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing. Even when consolidation is not ordered, evidence that is received on the motion and that would be admissible at trial becomes part of the trial record and need not be repeated at trial.

### **(b) TEMPORARY RESTRAINING ORDER.**

(1) *Issuing Without Notice.* The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the court finds that:

(i) the movant has made reasonable efforts under the circumstances to furnish to the adverse party's attorney, if known, otherwise to the adverse party, at the earliest practicable time prior to the hearing on the motion for such order,) actual notice of the hearing and copies of all pleadings and other papers filed to date in the action or to be presented to the court at the hearing; or

(ii) that bodily harm is likely to occur prior to the hearing on the temporary restraining order if such notice be given.

(2) *Contents; Expiration.* Every temporary restraining order issued without notice must state the date and hour it was issued; describe the injury and state why it is irreparable; state why the order was granted without notice; and be promptly filed in the clerk's office and entered in the record. The order expires at the time after entry—not to exceed 14 days—that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.

(3) *Expediting the Preliminary-Injunction Hearing.* If the order is issued without notice, the motion for a preliminary injunction must be set for hearing at the earliest possible time, taking precedence over all matters except hearings on older matters of the same character. At the hearing, the party who obtained the order must proceed with the motion; if the party does not, the court must dissolve the order.

(4) *Motion to Dissolve.* On 2 days' notice to the party who obtained the order without notice—or on shorter notice set by the court—the adverse party may appear and move to dissolve or modify the order. The court must then hear and decide the motion as promptly as justice requires.

(c) **SECURITY.** The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained. The United States, the District of Columbia, and officers or agencies of either are not required to give security. Where a temporary restraining order or preliminary injunction is granted for the physical protection of any party or for custody of children, no security is required of the movant.

### **(d) CONTENTS AND SCOPE OF EVERY INJUNCTION AND RESTRAINING ORDER.**

- (1) *Contents*. Every order granting an injunction and every restraining order must:
- (A) state the reasons why it issued;
  - (B) state its terms specifically; and
  - (C) describe in reasonable detail—and not by referring to the complaint or other document—the act or acts restrained or required.
- (2) *Persons Bound*. The order binds only the following who receive actual notice of it by personal service or otherwise:
- (A) the parties;
  - (B) the parties' officers, agents, servants, employees, and attorneys; and
  - (C) other persons who are in active concert or participation with anyone described in Rule 65(d)(2)(A) or (B).

#### COMMENT TO 2018 AMENDMENTS

This rule has been modified to conform to the stylistic changes to Civil Rule 65.