

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PAULA KAY HEDGEPEETH, <u>et al.</u>,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NO. 15-0067-C
)	
MOBILE COUNTY PROBATE)	
JUDGE DON DAVIS, individually)	
and in his official capacity, <u>et al.</u>,)	
)	
Defendants.)	

ORDER

This matter is before the court on the request for immediate relief contained in Plaintiffs' complaint. (Doc. 1). It is not clear whether Plaintiffs seek a temporary restraining order (TRO) or a preliminary injunction. The court may issue a TRO without notice to the adverse party 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 movant' attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

FED. R. CIV. P. 65(b). Plaintiffs have not provided any affidavit evidence, did not file a verified complaint, and have not certified their efforts made to give notice and the

reasons why it should not be required. Accordingly, to the extent Plaintiffs seek a TRO, the motion is **DENIED**.

A preliminary injunction can be obtained only after the adverse parties have received notice. FED. R. CIV. P. 65(a)(1). There are numerous defendants named in this action, but at this time, only counsel on behalf of Attorney General Luther Strange have appeared in this matter. There is no proof of service on any other party. The court will not consider a preliminary injunction in this matter until all of the defendants have been notified. However, because Plaintiffs' claims in this case are almost identical to another case currently set for a preliminary injunction hearing in this court and the result of that hearing may impact Plaintiffs in this case, the court will allow counsel for Plaintiffs to participate in that hearing. A preliminary injunction hearing is set in Case No. 14-0424-CG-C on February 12, 2015, at 1:00 p.m., in Courtroom 2B, United States Courthouse, Mobile, Alabama.

DONE and ORDERED this 10th day of February, 2015.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE