

04/01/2022

ORDER denying [21](#) Motion for Preliminary Injunction.

The plaintiffs submit [21](#) an "*ex parte* application for a temporary restraining order and order to show cause why Defendants should not be preliminarily enjoined from implementing, enforcing, or otherwise carrying out the specific provisions of the" No Surprises Act and governing regulations. "No *ex parte* order, or order to show cause to bring on a motion, will be granted except upon a clear and specific showing by affidavit of good and sufficient reasons why a procedure other than by notice of motion is necessary." *Gullas v. 37-31 73rd St. Owners Corp.*, No. 12-CV-2301, 2012 WL 1655520, at *1 (E.D.N.Y. May 10, 2012) (quoting Loc. Civ. R. 6.1(d)). "A temporary restraining order may be issued without notice only if '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.'" *FEI Hong Kong Co. Ltd. v. GlobalFoundries, Inc.*, No. 20-CV-2342, 2020 WL 1444956, at *2 (S.D.N.Y. Mar. 25, 2020) (quoting Fed. R. Civ. P. 65(b)(1)(A)).

There is no discussion in the plaintiffs' submissions [21](#) [22](#) [23](#) about why *ex parte* relief is appropriate. The plaintiffs have not made a clear and specific showing by affidavit of good and sufficient reasons why a procedure other than by notice of motion is necessary. Ordered by Judge Ann M. Donnelly on 4/1/2022. (Mathew, Joshua) (Entered: 04/01/2022)