

1 **Rule 65A. Injunctions.**

2 **(a) Preliminary injunctions.**

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

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

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

14 (b)(1) **Notice.** No temporary restraining order shall be granted 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 (b)(2) **Form of order.** Every temporary restraining order shall be endorsed with
23 the date and hour of issuance and shall be filed forthwith in the clerk's office and
24 entered of record. The order shall define the injury and state why it is irreparable.
25 The order shall expire by its terms within such time after entry, not to exceed ~~ten~~14
26 days, as the court fixes, unless within the time so fixed the order, for good cause
27 shown, is extended for a like period or unless the party against whom the order is
28 directed consents that it may be extended for a longer period. The reasons for the
29 extension shall be entered of record.

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

37 (b)(4) **Dissolution or modification.** On ~~two days'~~ 48 hours' notice to the party
38 who obtained the temporary restraining order without notice, or on such shorter
39 notice to that party as the court may prescribe, the adverse party may appear and
40 move its dissolution or modification. In that event the court shall proceed to hear and
41 determine the motion as expeditiously as the ends of justice require.

42 (c) **Security.**

43 (c)(1) **Requirement.** The court shall condition issuance of the order or injunction
44 on the giving of security by the applicant, in such sum and form as the court deems
45 proper, unless it appears that none of the parties will incur or suffer costs, attorney
46 fees or damage as the result of any wrongful order or injunction, or unless there
47 exists some other substantial reason for dispensing with the requirement of security.
48 No such security shall be required of the United States, the State of Utah, or of an
49 officer, agency, or subdivision of either; nor shall it be required when it is prohibited
50 by law.

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

55 (c)(3) **Jurisdiction over surety.** A surety upon a bond or undertaking under this
56 rule submits to the jurisdiction of the court and irrevocably appoints the clerk of the
57 court as agent upon whom any papers affecting the surety's liability on the bond or
58 undertaking may be served. The surety's liability may be enforced on motion without
59 the necessity of an independent action. The motion and such notice of the motion as

60 the court prescribes may be served on the clerk of the court who shall forthwith mail
61 copies to the persons giving the security if their addresses are known.

62 (d) **Form and scope.** Every restraining order and order granting an injunction shall
63 set forth the reasons for its issuance. It shall be specific in terms and shall describe in
64 reasonable detail, and not by reference to the complaint or other document, the act or
65 acts sought to be restrained. It shall be binding only upon the parties to the action, their
66 officers, agents, servants, employees, and attorneys, and upon those persons in active
67 concert or participation with them who receive notice, in person or through counsel, or
68 otherwise, of the order. If a restraining order is granted without notice to the party
69 restrained, it shall state the reasons justifying the court's decision to proceed without
70 notice.

71 (e) **Grounds.** A restraining order or preliminary injunction may issue only upon a
72 showing by the applicant that:

73 (e)(1) The applicant will suffer irreparable harm unless the order or injunction
74 issues;

75 (e)(2) The threatened injury to the applicant outweighs whatever damage the
76 proposed order or injunction may cause the party restrained or enjoined;

77 (e)(3) The order or injunction, if issued, would not be adverse to the public
78 interest; and

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

82 (f) **Domestic relations cases.** Nothing in this rule shall be construed to limit the
83 equitable powers of the courts in domestic relations cases.

84 [Advisory Committee Notes](#)

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