

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PANGEA LEGAL SERVICES, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

Case No. [20-cv-07721-SI](#)

**ORDER DIRECTING PLAINTIFFS TO
PROVIDE NOTICE OF MOTION FOR
TEMPORARY RESTRAINING
ORDER; SETTING FURTHER DATES**

On November 2, 2020, plaintiffs Pangea Legal Services et al. filed this action against defendants U.S. Department of Homeland Security et al. Dkt. No. 1. On November 3, 2020, plaintiffs filed an ex parte motion for a temporary restraining order (“TRO”). Dkt. No. 21 (“Mot. for TRO”). On November 4, 2020, the case was reassigned to the undersigned Judge. Dkt. No. 22.

A court may issue a temporary restraining order without notice to the adverse side:

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’s 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) (emphasis added).

Plaintiffs have not certified in writing the reasons why notice to the other side should not be required. *See* Fed. R. Civ. P. 65(b). Rather, plaintiffs have filed a certification stating that they have been in contact with counsel for defendants. *See* Dkt. No. 21-4 (“Certif. re: Notice”). As of the filing of this Order, defendants have not made a formal appearance in this case. Accordingly,

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1 the Court finds this matter is not appropriate for resolution ex parte and **ORDERS** that plaintiffs
2 effect service of process and provide notice of the pending TRO motion to defendants.

3 Plaintiffs' papers state that the government's assigned lawyer proposes that defendants file
4 their opposition brief on November 10, 2020; that plaintiffs file any reply by November 13, 2020;
5 and that a hearing be held the week of November 16. Certif. re: Notice at 2; Mot. for TRO at 2.
6 Plaintiffs request that defendants file their opposition brief on November 9, 2020, and that plaintiffs
7 file any reply by November 12, 2020. Mot. for TRO at 2. In their motion for a TRO, plaintiffs state
8 that the final rule they are challenging in this action is set to go into effect on November 20, 2020,
9 and they therefore seek relief by November 19, 2020, at 5:00 p.m. *Id.* at 1-2.

10 Having considered the papers filed, the Court sets the following further dates. Defendants'
11 opposition brief shall be due no later than **November 10, 2020**. **At the same time as they file their**
12 **opposition brief, defendants shall file a notice informing the Court of any other cases in which**
13 **courts have already ruled on the issues raised in this TRO, and of any other cases in which**
14 **challenges to the same Final Rule at issue here are currently pending.** Plaintiffs' reply brief
15 shall be due no later than **November 13, 2020**.

16 The Court will hold a hearing on the motion for TRO via Zoom videoconference on
17 **November 18, 2020, at 11:00 a.m.** The Court's courtroom deputy shall issue the Zoom information
18 on the public docket.

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IT IS SO ORDERED.

Dated: November 4, 2020



SUSAN ILLSTON
United States District Judge