

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNIVERSAL UNDERWRITERS INS.)	
CO. et al.,)	
)	
Plaintiffs,)	
)	Docket no. 2:10-cv-140-GZS
v.)	
)	
ROBERT J. AYERS, et al.,)	
)	
)	
Defendants.)	

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

Before the Court is Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction (Docket # 2). The Court held a hearing on the Motion on April 26, 2010 at which Defendant Ayers appeared pro se. Having reviewed the Motion as well as Plaintiff’s Verified Complaint (Docket # 1) and the entire docket, and based on the representations made at today’s hearing, the Court hereby DENIES the Motion for Temporary Restraining Order and RESERVES RULING on the Motion for Preliminary Injunction.

The Court may grant the extraordinary remedy of a temporary restraining order “only if” the specific requirements of Federal Rule of Civil Procedure 65(b)(1) are met. Plaintiff’s Motion does not satisfy these requirements. The specific facts in Plaintiff’s Motion do not show that Plaintiff will suffer immediate and irreparable injury “before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A). Rather, the Court believes that by setting the following schedule it can rule on the motion for preliminary injunction on an expedited basis:

- (1) Defendants shall file a response to the Motion for Preliminary Injunction (Docket # 2) on or before May 10, 2010.

(2) Plaintiffs may file a reply on or before May 17, 2010.

(3) Upon receipt of Plaintiff's Reply (or in the absence of a timely response by Defendants), the Court will review the request for preliminary injunctive relief and determine if an evidentiary hearing is necessary. Defendants shall indicate in their papers if they desire an evidentiary hearing or wish to submit the matter on the papers. If the Court determines that a hearing is necessary, it will be scheduled on an expedited basis.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 26th day of April, 2010.

Plaintiff

**UNIVERSAL UNDERWRITERS
INSURANCE COMPANY**

represented by **KATHRYN W. MCGINTEE**
BERNSTEIN, SHUR
100 MIDDLE STREET
P.O. BOX 9729
PORTLAND, ME 04104-5029
207-774-1200
Email:
kmcgintee@bernsteinshur.com
ATTORNEY TO BE NOTICED

PATRICIA A. PEARD
BERNSTEIN, SHUR
100 MIDDLE STREET
P.O. BOX 9729
PORTLAND, ME 04104-5029
207-774-1200
Email: ppeard@bernsteinshur.com
ATTORNEY TO BE NOTICED

Plaintiff

**ZURICH AMERICAN
INSURANCE COMPANY**

represented by **KATHRYN W. MCGINTEE**
(See above for address)
ATTORNEY TO BE NOTICED

PATRICIA A. PEARD
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

ROBERT J AYERS

represented by **ROBERT J AYERS**
14 TEAL POINT DRIVE
SCARBOROUGH, ME 04074
207.885.0712
PRO SE

Defendant

FOY INSURANCE GROUP INC