

Chancery Court for the First Judicial District
at Washington County, Tennessee

John Wood,
Plaintiff,

v.

City of Johnson City,
Defendant.

Case No. 20-CV-0024

Interlocutory Order

This matter is pending before this Honorable Court upon Plaintiff's *Complaint and Request for Injunctive Relief* filed on January 16, 2020.

It is hereby Ordered as follows:

1. Plaintiff's Complaint seeks an enjoinder, which is a directive, command or requirement to abstain or desist from some action. Plaintiff's pleadings fail to indicate whether he desires a restraining order, temporary injunction, or a permanent injunction in a final judgment as the means to an enjoinder. Tennessee Rules of Civil Procedure 65 sets out the various steps necessary to obtain injunctive relief.
2. Plaintiff's Complaint makes no mention that he seeks a Restraining Order. Tennessee Rules of Civil Procedure 65.03 authorizes the issuance of a restraining order if a verified complaint clearly shows an immediate and irreparable injury, loss, or damage to the applicant before the adverse party can be heard in opposition. Further, the applicant's attorney (or pro se applicant)

FILED

ENTERED
MINUTE BOOK 357
PAGE 142

JAN 21 2020
at 3:40 P.M.
Sarah Lawson, Clerk and Master

must certify in writing efforts made to give notice and the reasons why it should not be required. There is nothing in the record to indicate that notice of a request for a Restraining Order has been provided to the Defendant. To the extent Plaintiff's pleadings may be interpreted as seeking a Restraining Order, it is denied.

3. Although Plaintiff's pleadings make no mention of a Temporary Injunction pursuant to Tennessee Rules of Civil Procedure 65.04, the Court will not *sua sponte* issue a temporary injunction without compliance with Rule 65.04 and an evidentiary hearing. Rule 65.04(1) precludes the issuance of a temporary injunction without notice to the adverse party. There is nothing in the record to indicate notice of a request for a Temporary Injunction has been provided to the Defendant.

4. If Plaintiff is requesting a Temporary Injunction, he must file the appropriate pleadings and comply with Rule 65.04.

5. Once a Summons is served upon Defendant in compliance with Rule 4 of the Tennessee Rules of Civil Procedure, either party may a motion to a request a scheduling order and trial date. The parties shall file a notice of hearing and docket any motion the parties may desire for the Court to hear.

6. All other matters are reserved.

Clerk and Master, serve this Order upon the parties.

So Ordered on this 21st day of January 2020.


CHANCELLOR JOHN C. RAMBO

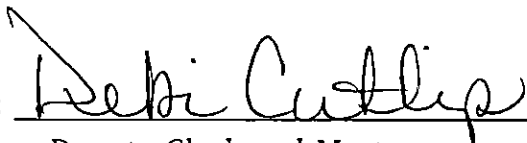
Certificate of Service

I certify that on the date below that I served a copy of this Order upon the parties, or counsel, at the following addresses:

John Wood, Esq.
404 South Roan Street
Johnson City, TN 37601

Sunny Sandos, Esq.
City of Johnson City
601 E. Main Street
Johnson City, TN 37601

Dated: 21 day of January 2020.

BY: 
Deputy Clerk and Master