

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**DINE DEVELOPMENT CORPORATION
and NOVA CORPORATION**

Plaintiffs,

v.

Case No. 1:17-CV-00015 JB/KBM

ERIN FLETCHER,

Defendant.

APPLICATION FOR TEMPORARY RESTRAINING ORDER

At the time that Plaintiffs filed their Application for Preliminary Injunction [Doc. No. 3], Plaintiffs were not in danger of imminent harm as the American Arbitration Association (AAA) had instituted an automatic 60 day stay as a result of the filing of this lawsuit. But, that stay will be lifted, absent an order from the Court enjoining Defendant Erin Fletcher from proceeding with her claim, on March 10, 2017. Plaintiffs thus now face imminent irreparable harm and request that the Court enter a temporary restraining order barring Defendant Erin Fletcher from proceeding with her claim before the AAA.

This issue has already been fully briefed in Plaintiffs' Application for Preliminary Injunction and subsequent filings. *See* Doc. Nos. 3, 10, 12, and 13. Because the standards for issuing a preliminary injunction and a temporary restraining order are effectively the same, Plaintiffs incorporate the arguments that have already been briefed and will not repeat those arguments here. Plaintiffs request that the Court enter a temporary restraining order that precludes Fletcher from proceeding with her claims before the AAA until such time as the Court is able to enter a decision on Plaintiffs' Application for Preliminary Injunction [Doc. No. 3]. A temporary restraining order will ensure that Plaintiffs do not incur the irreparable harm

associated with defending against claims from which Plaintiffs are immune. Because Fletcher will receive notice of this request and notice of any order issued by the Court, the duration of the order should extend from the March 10, 2017 through the date on which the Court rules on Plaintiffs' Application for Preliminary Injunction. *See* Rule 65(b)(2) (only requiring expiration within 14 days when the order is issued without notice to the opposing party).

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Jeremy K. Harrison

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WE HEREBY CERTIFY that on this 7th day of March, 2017, we filed the foregoing pleading electronically through the CM/ECF system, and sent a copy of the same by first class U.S. mail and by electronic mail to the following, as more fully reflected in the Notice of Electronic Filing:

VIA U.S. MAIL TO

Erin Fletcher
1933 Lindsay Drive
Taylorsville, UT 84129

VIA EMAIL TO

Efletcher193@gmail.com

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Jeremy K. Harrison

Jeremy K. Harrison

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