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John Souza, Order on Plaintiff's Motion for Temporary Restraining Order

Elizabeth E. Long

Fulton County Superior Court, Judge

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“A temporary restraining order may be granted without written or oral notice to the adverse party or his attorney only if [i]t clearly appears from specific facts showing by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition.” O.C.G.A. § 9-11-65(b)(1). “An ex parte temporary restraining order is a harsh remedy and statutes authorizing such a remedy must be strictly construed.” *United Food & Commercial Workers Union v. Amberjack Ltd.*, 253 Ga. 438, 438, 321 S.E.2d 736, 737 (1984). At this early stage, Plaintiff has failed to clearly show that he is entitled to any of the proceeds from Pinnacle, much less that he will suffer irreparable harm that cannot adequately be cured through the award of money damages or other future relief. As such, Plaintiff John Souza’s Motion for Temporary Restraining Order is **DENIED**.

Defendant filed his Verified Answer on April 6, 2015. Now that Defendant has appeared, this Court shall hold a hearing on Plaintiff John Souza’s Motion for Preliminary Injunction and Appointment of Receiver on May 19, 2015 at 10:00 a.m. in Courtroom 9J of the Fulton County Courthouse, 9th Floor, 136 Pryor Street, SW, Atlanta, Georgia 30303.

SO ORDERED this 7th day of April, 2015.


ELIZABETH E. LONG, SENIOR JUDGE
Superior Court of Fulton County
Atlanta Judicial Circuit

Copies to:

Attorney for Plaintiff	Attorneys for Defendants
Ryan Isenberg Isenberg & Hewitt, P.C. 7000 Peachtree Dunwoody Rd. Building 15, Suite 100 Atlanta, Georgia 30328 (770) 351-4400 ryan@isenberg-hewitt.com	David Guy Carter Carter Law Group, LLC 3355 Lenox Road, Suite 750 Atlanta, Georgia 30326 (404) 872-5959 dcarter@clgfirm.com