

MOTION FOR TEMPORARY RESTRAINING ORDER CHECK LIST

FILING MOTION WITH NEW COMPLAINT

- **When a Motion for Temporary Restraining Order is filed with a new Complaint brought to the clerks office for filing, the Court requires all parties be present as the case is being filed. The defendants should be given the exact date and time the case will be brought to the court. Reasonable time should be given for the defendants to appear. If the defendants choose not to appear, an Affidavit is to be prepared that informs the Court of the defendants' response to the notification. (Pursuant to FRCP 65)**
- **When a new case is being opened by plaintiff's attorney and a Motion for Temporary Restraining Order is being filed in that case, plaintiff's attorney is expected to notify the defendants, giving them information concerning the TRO, including the exact date and time to appear. Reasonable time should be given for the defendants to appear. If the defendants choose not to appear, an Affidavit is to be prepared informs the Court of the defendants' response. (Pursuant to FRCP 65) After docketing the Complaint, the attorney will docket the Motion for Temporary Restraining Order and Preliminary Injunction. (If you hold down on CTRL you can choose both by a click of the mouse.) The Memorandum in Support and the Proposed Order for TRO should be filed as attachments to the Motion. The Proposed Bond Order should be filed as a separate event- Motion For Bond. After opening the case and filing the motions, the clerks office is to be called and informed that a Motion For Temporary Restraining Order has been filed and the defendants have been notified. The clerk will quality control the new case and when all parties have assembled at the clerks office, the judge will be assigned for the case.**

REQUIREMENTS

- **The attorney of record must be a member of the Eastern District of Missouri bar or have a Motion To Appear Pro Hac Vice. (See Local Rule 12.01 for requirements)**
- The attorney of record must sign all documents pursuant to FRCP11. If the attorney is opening the new case on ecf, the use of the ecf login and password assigned by the court complies with Rule 11.
- See the Civil Case Check List for the documents required when filing a new case and service of the Complaint requirements.
- The Motion For Temporary Restraining Order with a Memorandum in Support and a Proposed Order.
(Please do not include this motion in the body of the Complaint.)
- A proposed Bond Order to be signed by the judge who will determine the amount of bond to be posted.
- The Bond. If a surety bond is being posted, the cashier will check the Federal Registry to make sure the surety company is listed. The court requires a current certified Certificate of Authority from the Missouri Division of Insurance be on file and the Attorney-in-Fact be registered with this court. To contact the cashier to verify a surety company's information, please call 314-244-7860.
- When the TRO Order entered directs the U.S. Marshal to serve a Temporary Restraining Order, the U.S. Marshal requires a completed U.S. MARSHAL FORM 285.

The FEE for filing a civil case is \$350.00. This court accepts payment by cash, credit card or check. If making payment by a check, the check should be made payable to "Clerk U.S. District Court." If the attorney is opening the case, a valid credit card is required for payment through Pay.Gov.

(Rev. 2/07)