

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PULTE HOMES, INC.,

Plaintiff,

vs.

CASE NO. 09-CV-13638
HON. LAWRENCE P. ZATKOFF

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA,
TERENCE M. O'SULLIVAN, and
RANDY MAYHEW,

Defendants.

ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron, State of
Michigan, on the 16th day of September, 2009

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

This matter is before the Court on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Docket #2), filed on September 15, 2009.

II. LEGAL STANDARD

A court is to consider the following four factors in determining whether a plaintiff is entitled to a temporary restraining order or other preliminary injunctive relief:

- (1) whether the movant has shown a strong or substantial likelihood or probability of success on the merits;

- (2) whether the movant has shown that he or she would suffer irreparable harm if the preliminary relief is not issued;
- (3) whether the issuance of a preliminary injunction will not cause substantial harm to third parties; and
- (4) whether the public interest would be served by the issuance of a preliminary injunction.

Sandison v. Michigan High School Athletic Association, Inc., 64 F.3d 1026, 1030 (6th Cir. 1995); *UASCO Coal Co. v. Carbomin Energy, Inc.*, 689 F.2d 94, 98 (6th Cir. 1982); *Mason County Med. Ass'n v. Knebel*, 563 F.2d 256, 261 (6th Cir. 1977). The standard for preliminary injunction is not a rigid and comprehensive test, and the four factors are to be balanced, not prerequisites that must be satisfied, but instead “these factors simply guide the discretion of the court; they are not meant to be rigid and unbending requirements.” *In re Eagle-Picher Indus., Inc.* 963 F.2d 855, 859 (6th Cir. 1992).

III. FINDINGS OF THE COURT

The Court has reviewed the Plaintiff’s Motion and Brief in support thereof. The Court declines to grant Plaintiff’s motion for a Temporary Restraining Order. As to the Motion for Preliminary Injunction, the Court finds that the Plaintiff has set forth an adequate basis to warrant a hearing on its request for injunctive relief. The Court therefore ORDERS the parties to appear for a hearing on Plaintiff’s Motion for Preliminary Injunction on September 22, 2009, at 10:30 a.m. In addition, to the extent the parties desire to file additional briefs, the Court ORDERS the Plaintiff and Defendants to submit any such briefs to the Court no later than 12:00 p.m. on Monday, September 21, 2009.

IV. CONCLUSION

The parties are ORDERED TO APPEAR at the Federal Building, 526 Water Street, Port Huron, Michigan, at 10:30 a.m. on September 22, 2009, for a hearing on Plaintiff's request for a preliminary injunction.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: September 16, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 16, 2009.

S/Marie E. Verlinde

Case Manager

(810) 984-3290