

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN
AND FOR MARION COUNTY, FLORIDA

STATE OF FLORIDA *ex rel.*
CHANA E JACKSON, in relation to the
State of Florida and individually,

Plaintiffs,

v.

Case No: 2020-CA-1661

DONALD J. TRUMP FOR PRESIDENT, INC.,
A Virginia nonstock corporation, and
CITY OF OCALA, d/b/a
OCALA INTERNATIONAL AIRPORT,

Defendants.

ORDER DENYING *EX PARTE* INJUNCTION

THIS CAUSE came before the Court on Plaintiffs (hereinafter “Jackson”) Complaint for Injunctive and Declaratory Relief (hereinafter “Complaint”) filed on October 14, 2020 at 4:48 pm. The Court interprets Attorney Uhlfelder’s certification at the end of the Complaint as a request for *ex parte* relief. The Complaint seeks an injunction to stop the Donald J. Trump Presidential Campaign from holding a rally, in the afternoon, at the Ocala International Airport on October 16, 2020.

The issuance of a Temporary Injunction is controlled by Florida Rule of Civil Procedure 1.610, which states as follows:

(a) Temporary Injunction.

(1) A temporary injunction may be granted without written or oral notice to the adverse party only if:

(A) it appears from the specific facts shown **by affidavit or verified pleading** that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts that have been made to give notice and the reasons why notice should not be required.

(2) No evidence other than the affidavit or verified pleading shall be used to support the application for a temporary injunction unless the adverse party appears at the hearing or has received reasonable notice of the hearing. Every temporary injunction granted without notice shall be endorsed with the date and hour of entry and shall be filed forthwith in the clerk's office

and shall define the injury, state findings by the court why the injury may be irreparable, and give the reasons why the order was granted without notice if notice was not given. The temporary injunction shall remain in effect until the further order of the court.

(b) Bond. No temporary injunction shall be entered unless a bond is given by the movant in an amount the court deems proper, conditioned for the payment of costs and damages sustained by the adverse party if the adverse party is wrongfully enjoined. Unless otherwise specified by the court, the bond shall be posted within 5 days of entry of the order setting the bond. When any injunction is issued on the pleading of a municipality or the state or any officer, agency, or political subdivision thereof, the court may require or dispense with a bond, with or without surety, and conditioned in the same manner, having due regard for the public interest. No bond shall be required for issuance of a temporary injunction issued solely to prevent physical injury or abuse of a natural person.

In the instant case, the Complaint was neither verified by Jackson, nor was a supporting affidavit filed. Furthermore, there were **no sworn allegations** that Jackson, will suffer *immediate and irreparable* injury, loss, or damage if the injunction is not granted on an *ex parte* basis.

To be the subject of an injunction, a prospective injury must be more than a remote possibility: it must be so imminent and probable as reasonably to demand preventive action by the court. See *City of Coral Springs v. Florida National Properties, Inc.*, 340 So.2d 1271 (4th DCA 1976).

Lastly, the Court finds that the **unsworn** Complaint is legally insufficient for entry of an *ex parte* injunction.

IT IS SO ORDERED in Chambers, at Ocala, Florida, Marion County, Florida on this 15 day of October 2020.



Edward L. Scott
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by the Florida Court's e-filing portal or U.S. Mail to the following this 15 day of October 2020.

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