

# Rule 65. Injunctions and Restraining Orders

- (a) Preliminary Injunction.
- (1) *Notice.* The court may issue a preliminary injunction only on notice to the adverse party.
- (2) *Consolidating the Hearing with the Trial on the Merits.* Before or after beginning the hearing on a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing. Even when consolidation is not ordered, evidence that is received on the motion and that would be admissible at trial becomes part of the trial record and need not be repeated at trial. But the court must preserve any party's right to a jury trial.
- (b) Temporary Restraining Order.
- (1) *Issuing Without Notice.* The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:
- (A) specific facts in an affidavit or a verified complaint clearly show 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 made to give notice and the reasons why it should not be required.
- (2) *Contents; Expiration.* Every temporary restraining order issued without notice must state the date and hour it was issued; describe the injury and state why it is irreparable; state why the order was issued without notice; and be promptly filed in the clerk's office and entered in the record. The order expires at the time after entry—not to exceed 14 days—that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.
- (3) *Expediting the Preliminary-Injunction Hearing.* If the order is issued without notice, the motion for a preliminary injunction must be set for hearing at the earliest possible time, taking precedence over all other matters except hearings on older matters of the same character. At the hearing, the party who obtained the order must proceed with the motion; if the party does not, the court must dissolve the order.
- (4) *Motion to Dissolve.* On 2 days' notice to the party who obtained the order without notice—or on shorter notice set by the court—the adverse party may appear and move to dissolve or modify the order. The court must then hear and decide the motion as promptly as justice requires.
- (c) Security. The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained. The United States, its officers, and its agencies are not required to give security.
- (d) Contents and Scope of Every Injunction and Restraining Order.
- (1) *Contents.* Every order granting an injunction and every restraining order must:
- (A) state the reasons why it issued;
- (B) state its terms specifically; and
- (C) describe in reasonable detail—and not by referring to the complaint or other document—the act or acts restrained or required.
- (2) *Persons Bound.* The order binds only the following who receive actual notice of it by personal service or otherwise:
- (A) the parties;
- (B) the parties' officers, agents, servants, employees, and attorneys; and
- (C) other persons who are in active concert or participation with anyone described in [Rule 65\(d\)\(2\)\(A\)](#) or (B).
- (e) Other Laws Not Modified. These rules do not modify the following:
- (1) any federal statute relating to temporary restraining orders or preliminary injunctions in actions affecting employer and employee;
- (2) [28 U.S.C. §2361](#), which relates to preliminary injunctions in actions of interpleader or in the nature of interpleader; or
- (3) [28 U.S.C. §2284](#), which relates to actions that must be heard and decided by a three-judge district court.
- (f) Copyright Impoundment. This rule applies to copyright-impoundment proceedings.

From <[https://www.law.cornell.edu/rules/r6p/rule\\_65/](https://www.law.cornell.edu/rules/r6p/rule_65/)>

## 2022 Idaho Code Title 45 - LIENS, MORTGAGES AND PLEDGES Chapter 15 - TRUST DEEDS Section 45-1506B - POSTPONEMENT OF SALE — INTERVENTION OF STAY.

Universal Citation: [ID Code § 45-1506B \(2022\)](#)

45-1506B. POSTPONEMENT OF SALE — INTERVENTION OF STAY. (1) If a stay as set out in subsection (1) of section 45-1506A, Idaho Code, which would otherwise have stopped a foreclosure sale is terminated or lifted prior to the date of sale, then any person having a right to reinstate the deed of trust pursuant to subsection (12) of section 45-1506, Idaho Code, may request the trustee to postpone the sale for a period of time which shall allow at least one hundred fifteen (115) days to elapse from the recording of the notice of default to the rescheduled date of sale exclusive of the period of time during which such stay was in effect. (2) Written request for postponement must be served upon the trustee prior to the time set for the original sale. (3) If the foreclosure has proceeded in compliance with all requirements of subsections (2) through and including (6), of section 45-1506, Idaho Code, prior to the intervention of the stay, then at the time appointed for the original sale, the trustee shall announce the date and time of the rescheduled sale to be conducted at the place originally scheduled and no further or additional notice of any kind shall be required. (4) If the foreclosure has proceeded in compliance with subsections (2) through and including (5), of section 45-1506, Idaho Code, prior to the intervention of the stay, then the foreclosure process may be resumed if timely compliance can be had with publication of the original notice of sale under subsection (6) of section 45-1506, Idaho Code. If timely compliance under subsection (6) of section 45-1506, Idaho Code, is not possible, the partially completed foreclosure process shall be discontinued and any further sale proceeding shall require new compliance with all notice of sale procedures as provided in section 45-1506, Idaho Code. (5) Nothing in this section shall be construed to create a right to cure the default and reinstate the deed of trust under subsection (12) of section 45-1506, Idaho Code, for a period of time longer than one hundred fifteen (115) days from the recording of the notice of default exclusive of the time during which a stay is in effect and if no request is made to postpone the sale under the circumstances provided in this section, the computation of time under this chapter shall be deemed unaffected by any intervening stay.

From <<https://law.justia.com/codes/idaho/2022/title-45/chapter-15/section-45-1506b/>>

## 2022 Idaho Code Title 6 - ACTIONS IN PARTICULAR CASES Chapter 4 - QUIETING TITLE — OTHER PROVISIONS RELATING TO ACTIONS CONCERNING REAL ESTATE Section 6-409 - ALIENATION PENDING SUIT. Universal Citation: [ID Code § 6-409 \(2022\)](#)

6-409. ALIENATION PENDING SUIT. An action for the recovery of real property against a person in possession cannot be prejudiced by any alienation made by such person, either before or after the commencement of the action.

From <<https://law.justia.com/codes/idaho/2022/title-6/chapter-4/section-6-409/>>

## 2022 Idaho Code Title 6 - ACTIONS IN PARTICULAR CASES Chapter 4 - QUIETING TITLE — OTHER PROVISIONS RELATING TO ACTIONS CONCERNING REAL ESTATE Section 6-418 - OCCUPANT OF REAL ESTATE — OWNER'S RIGHT TO POSSESSION — LIMITATIONS. Universal Citation: [ID Code § 6-418 \(2022\)](#)

6-418. OCCUPANT OF REAL ESTATE — OWNER'S RIGHT TO POSSESSION — LIMITATIONS. The owner in the main action is entitled to an execution to put him in possession of his property in accordance with the provisions of this act, but not otherwise.

From <<https://law.justia.com/codes/idaho/2022/title-6/chapter-4/section-6-418/>>

## 2022 Idaho Code Title 6 - ACTIONS IN PARTICULAR CASES Chapter 4 - QUIETING TITLE — OTHER PROVISIONS RELATING TO ACTIONS CONCERNING REAL ESTATE Section 6-407 - INJURY PENDING FORECLOSURE OR CONVEYANCE AFTER EXECUTION SALE — INJUNCTION. Universal Citation: [ID Code § 6-407 \(2022\)](#)

6-407. INJURY PENDING FORECLOSURE OR CONVEYANCE AFTER EXECUTION SALE — INJUNCTION. The court may, by injunction, on good cause shown, restrain the party in possession from doing any act to the injury of real property during the foreclosure of a mortgage thereon, or after a sale on execution before a conveyance.

From <<https://law.justia.com/codes/idaho/2022/title-6/chapter-4/section-6-407/>>