

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

William McNae, et al. v. King County Sheriff's Office, et al.

McNae · No. 2:25-cv-2710-JNW · Decided December 30, 2025

SUMMARY

The United States District Court for the Western District of Washington denied William and Ronda McNae’s ex parte motion for a temporary restraining order seeking to prevent the King County Sheriff’s Office from selling their personal property at auction. The court found that Plaintiffs had not provided specific facts demonstrating immediate and irreparable harm or adequately shown that Defendants received notice, and denied the motion without prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Washington                                                                                                                        |
| WRITING FOR THE COURT | Jamal N. Whitehead                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Western District of Washington                                                                                                                        |
| DECIDED               | December 30, 2025                                                                                                                                                                          |
| DOCKET                | 2:25-cv-2710-JNW                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Plaintiffs filed a civil action and moved ex parte for a temporary restraining order to prevent the King County Sheriff's Office from selling their personal property at a public auction. |
| STANDARD OF REVIEW    | Whether the requirements for an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b)(1) were satisfied.                                                        |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                    |
| PARTIES               | William McNae, Ronda McNae v. King County Sheriff's Office, Other named defendants                                                                                                         |

TOPICS

- injunctions
- civil procedure
- service of process

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Plaintiffs satisfied Federal Rule of Civil Procedure 65(b)(1)'s requirements for an ex parte temporary restraining order.
2. Whether Plaintiffs demonstrated through specific facts that immediate and irreparable injury would occur before Defendants could be heard.
3. Whether Plaintiffs adequately notified Defendants or certified efforts to provide notice and reasons why notice should not be required.

## HOLDINGS

1. A court may issue a temporary restraining order without notice to the adverse party only when the movant provides specific facts in an affidavit or verified complaint showing that immediate and irreparable injury will occur before the adverse party can be heard, and the movant's attorney certifies efforts to provide notice and reasons notice should not be required.
2. Plaintiffs' motion did not satisfy Rule 65(b)(1)'s requirements for ex parte relief.

## KEY QUOTATIONS

*“Federal Rule of Civil Procedure 65(b)(1) allows a court to issue a TRO without notice to the adverse party only if the movant provides “specific facts in an affidavit or a verified complaint” demonstrating “that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.”” (1)*

*“The denial is without prejudice to Plaintiffs filing a renewed motion that satisfies Rule 65(b)(1)’s requirements.” (2)*

## FACTUAL BACKGROUND

Plaintiffs sought to enjoin the King County Sheriff's Office from selling their personal property at a public auction under a writ of execution scheduled for January 7, 2026. They asserted that advance notice could result in further dissemination or use of unlawfully obtained information, additional restraints on exempt assets, or acceleration of the sale, but provided no specific supporting facts. Plaintiffs served their motion on the King County Prosecuting Attorney's Office rather than any named Defendant and did not establish that the Sheriff's Office or other Defendants received notice.

## PROCEDURAL HISTORY

Plaintiffs sued Defendants on December 26, 2025, and moved for a temporary restraining order concerning a scheduled January 7, 2026, sale. The court denied the motion without prejudice because Plaintiffs did not provide specific facts demonstrating immediate and irreparable injury before Defendants could be heard and did not adequately establish notice or certify efforts to provide notice.

## DISPOSITION

other

## REMAND INSTRUCTIONS

None. The motion was denied without prejudice. Any renewed motion must either demonstrate notice to Defendants or provide specific facts establishing immediate and irreparable injury before Defendants can be heard, together with a certification of notice efforts and reasons notice should not be required.

## CASES CITED

- Reno Air Racing Ass'n, Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 24 (2008)

## OPINION

McNae

PER CURIAM.

1 2 3 4 5

UNITED STATES DISTRICT COURT

6 WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

7 WILLIAM MCNAE, et al., CASE NO. 2-25-cv-2710-JNW 8 Plaintiffs, ORDER DENYING  
PLAINTIFFS'

9 MOTION FOR A TEMPORARY

v. RESTRAINING ORDER

10

KING COUNTY SHERIFF'S OFFICE,

11 et al., 12 Defendants. 13 On December 26, 2025, Plaintiffs William McNae and Ronda McNae  
sued 14 Defendants and moved for a temporary restraining order ("TRO"). Dkt. Nos. 1, 2. 15  
Plaintiffs move to enjoin Defendant King County Sheriff's Office from selling their 16 personal  
property at a public auction on January 7, 2026, under a writ of execution. 17 Dkt. No. 2 at 3.  
Plaintiffs seek ex parte relief—relief issued without notice to the 18 Sheriff's Office and before it  
has a chance to respond. 19 Federal Rule of Civil Procedure 65(b)(1) allows a court to issue a  
TRO 20 without notice to the adverse party only if the movant provides "specific facts in an 21  
affidavit or a verified complaint" demonstrating "that immediate and irreparable 22 injury, loss, or  
damage will result to the movant before the adverse party can be 23 1 heard in opposition." Fed.  
R. Civ. P. 65(b)(1)(A). The movant's attorney must also 2 certify in writing "any efforts made to  
give notice and the reasons why it should not 3 be required." Fed. R. Civ. P. 65(b)(1)(B). This  
district's Local Civil Rules reinforce 4 this rule, noting that motions for TROs "without notice to  
and an opportunity to be 5 heard by the adverse party are disfavored and will rarely be granted."  
LCR 65(b)(1). 6 Plaintiffs' motion fails to meet this heightened standard. Although Plaintiffs 7

vaguely assert that “[p]roviding advance notice [before the planned January 7, 8 2026, sale] would risk further dissemination or use of unlawfully obtained 9 information, additional restraints on exempt assets, or acceleration of the scheduled 10 sale before the Court can act,” Dkt. No. 2 at 1–2, these assertions are conclusory 11 and unsupported by specific facts. See Fed. R. Civ. P. 65(b) (1). On this record, the 12 Court does not find that Plaintiffs’ case falls within those “very few circumstances 13 justifying the issuance of an ex parte TRO.” *Reno Air Racing Ass’n, Inc. v. McCord*, 14 452 F.3d 1126, 1131 (9th Cir. 2006); see also *Winter v. Nat. Res. Def. Council, Inc.*, 15 555 U.S. 7, 24 (2008) (preliminary injunctive relief is an “extraordinary remedy 16 never awarded as of right”). 17 Plaintiffs moved for ex parte relief, yet they also submitted a certificate of 18 service. But the certificate does not attest to service on any named Defendant. See 19 Dkt. No. 2 at 13. Instead, it reflects that Plaintiffs served their motion on the King 20 County Prosecuting Attorney’s Office via mail and email. *Id.* While the Prosecuting 21 Attorney’s Office may ultimately represent Defendants in this action, Plaintiffs 22 have not explained whether they believe this service constitutes notice to 23 Defendants for purposes of Rule 65(b), nor have they demonstrated any effort to 1 notify the Sheriff’s Office or other defendants directly. Moreover, Defendants have 2 not filed a notice of appearance, and the Court has been unable to locate the email 3 address listed in Plaintiffs’ certificate of service on any King County website, 4 raising questions about whether the Prosecuting Attorney’s Office has actually 5 received notice of this motion. 6 Accordingly, the Court orders as follows: 7 (1) Plaintiffs’ Motion for a Temporary Restraining Order is DENIED. 8 (2) The denial is without prejudice to Plaintiffs filing a renewed motion that 9 satisfies Rule 65(b)(1)’s requirements. Any renewed motion must either (a) 10 demonstrate that Plaintiffs have provided notice of the motion to 11 Defendants, or (b) include specific facts establishing that immediate and 12 irreparable injury will result before Defendants can be heard, along with a 13 certification of efforts made to give notice and the reasons why notice 14 should not be required. The Court notes that the scheduled sale is not 15 until January 7, 2026, and it will try to resolve any renewed motion that 16 complies with these requirements before then. 17 Dated this 30th day of December, 2025. 18 a Jamal N. Whitehead 19 United States District Judge 20 21 22 23