

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.

OPINION

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 information, additional restraints on exempt assets, or acceleration of the scheduled sale before the Court can act,” Dkt.

No. 2 at 1–2, these assertions are conclusory and unsupported by specific facts. See Fed. R. Civ. P. 65(b)(1). On this record, the Court does not find that Plaintiffs’ case falls within those “very few circumstances 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 never awarded as of right”). Plaintiffs moved for ex parte relief, yet they also submitted a certificate of service. But the certificate does not attest to service on any named Defendant. See Dkt. No. 2 at 13. Instead, it reflects that Plaintiffs served their motion on the King County Prosecuting Attorney’s Office via mail and email.

Id. While the Prosecuting Attorney’s Office may ultimately represent Defendants in this action, Plaintiffs have not explained whether they believe this service constitutes notice to Defendants for purposes of Rule 65(b), nor have they demonstrated any effort to notify the Sheriff’s Office or other defendants directly.

Moreover, Defendants have not filed a notice of appearance, and the Court has been unable to locate the email address listed in Plaintiffs’ certificate of service on any King County website, raising questions about whether the Prosecuting Attorney’s Office has actually received notice of this motion. Accordingly, the Court orders as follows: (1) Plaintiffs’ Motion for a Temporary Restraining Order is DENIED.

(2) The denial is without prejudice to Plaintiffs filing a renewed motion that satisfies Rule 65(b)(1)’s requirements. Any renewed motion must either (a) demonstrate that Plaintiffs have provided notice of the motion to Defendants, or (b) include specific facts establishing that immediate and irreparable injury will result before Defendants can be heard, along with a certification of efforts made to give notice and the reasons why notice should not be required.

The Court notes that the scheduled sale is not until January 7, 2026, and it will try to resolve any renewed motion that complies with these requirements before then. Dated this 30th day of December, 2025. a Jamal N. Whitehead United States District Judge