

**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

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**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 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