

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

BHS Law LLP v. Jipyong LLC

No. 25-cv-04328-AMO (N.D. Cal. June 6, 2025) · No. 25-cv-04328-AMO · Decided June 6, 2025

SUMMARY

The United States District Court for the Northern District of California denied BHS Law LLP’s application for a temporary restraining order seeking to enjoin Jipyong LLC and Jinhee Kim from allegedly engaging in the unauthorized practice of law. The court held that BHS failed to establish likely irreparable harm, including because its alleged economic injuries could be remedied through money damages, and therefore did not address the remaining preliminary-injunction factors. The court also struck BHS’s second amended complaint as improperly filed without leave or consent.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
BHS LAW LLP, Case No. 25-cv-04328-AMO 8 Plaintiff, ORDER DENYING TEMPORARY 9 v.
RESTRAINING ORDER 10 JIPYONG LLC, et al., Re: Dkt. No. 8 Defendants. 11 12 13 On June
2, 2025, Plaintiff Bhs Law LLP (“Bhs”) filed an ex parte motion for temporary 14 restraining
order (“TRO”) seeking to enjoin Defendants Jipyong LLC and Jinhee Kim from 15 engaging in
the unauthorized practice of law.

ECF 8. The Court ordered Defendants to file any 16 opposition by June 5, 2025, and set a hearing
for June 9, 2025. ECF 9. Having reviewed the 17 papers filed by the parties and the arguments
made therein, as well as the relevant legal authority, 18 the Court finds the motion appropriate for
decision without oral argument, and VACATES the 19 hearing set for June 9, 2025.

See Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). 20 A temporary restraining order is “an ‘extraordinary
and drastic remedy,’ that is never 21 awarded as of right.” *Epic Games, Inc. v. Apple Inc.*, 493 F.
Supp. 3d 817, 831 (N.D. Cal. 2020) 22 (citing *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008)).

For a court to issue this extraordinary 23 relief, a plaintiff must establish a likelihood of success
on the merits, a likelihood of irreparable 24 harm absent injunctive relief, that the balance of
equities tips in plaintiff’s favor, and that the 25 public interest favors injunctive relief. *Winter v.*
Nat. Res. Def. Council, 555 U.S. 7, 20 (2008). A 26 plaintiff bears the burden of demonstrating
they meet all four of these factors.

DISH Network Corp. v. F.C.C., 653 F.3d 771, 776 (9th Cir. 2011). Bhs has not carried its
burden. 1 irreparable.1 Bhs argues it is unlawful for Defendant Jinhee Kim, an attorney licensed to

practice 2 in California, to practice law in California courts through Defendant Jipyong, a Korean limited 3 liability corporation. Mot. at 5 (citing Cal. Corp. Code § 17701.04(e) (“Nothing in this title shall 4 be construed to permit a domestic or foreign limited liability company to render professional 5 services, as defined in subdivision (a) of Section 13401 and in Section 13401.3, in this state.”); 6 Bus. & Prof.

Code § 6125 (“No person shall practice law in California unless the person is an 7 active licensee of the State Bar.”)). Bhs asserts that because all filings in California courts 8 resulting from Defendants’ purported unauthorized practice of law are subject to strike or 9 dismissal, failure to enjoin Defendants from litigating in California courts will risk “a complete 10 waste of judicial resources,” Mot. at 2, and will enable Defendants to continue “cheat[ing] 11 California lawyer[s] out of potential clients,” Mot. at 9.

These allegations are conclusory, vague, 12 and unsupported by facts. See *Herb Reed Enters., LLC v. Fla. Ent. Mgmt., Inc.*, 736 F.3d 1239, 13 1251 (9th Cir. 2013) (“Those seeking injunctive relief must proffer evidence sufficient to establish 14 a likelihood of irreparable harm”); *Boardman v. Pac. Seafood Grp.*, 822 F.3d 1011, 1022 (9th Cir. 15 2016) (“A plaintiff must do more than merely allege imminent harm sufficient to establish 16 standing; a plaintiff must demonstrate immediate threatened injury as a prerequisite to preliminary 17 injunctive relief.”) (citing *Caribbean Marine Servs.*

Co, Inc. v. Baldridge, 844 F.2d 668, 674 (9th 18 Cir. 1988) (emphasis in original). These allegations are insufficient to establish imminent 19 irreparable harm. 20 Bhs has also failed to explain why there is “no adequate legal remedy” for these purported 21 harms. *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014) (“Irreparable 22 harm is traditionally defined as harm for which there is no adequate legal remedy.”).

In the 23 operative complaint, Bhs alleges “Jipyong causes economic injuries” to Bhs “[b]y conducting 24 unlawful practice of law, in part catering to the same pool of clients [and] prospective clients,” 25 1 Bhs suggests that it need only demonstrate a “possibility of irreparable injury and great waste.” 26 TRO Motion (“Mot.”) (ECF 8) at 3 (citing *Lands Council v. Martin*, 479 F.3d 636, 639 (9th Cir.

2007)). But the Ninth Circuit explicitly abrogated that standard well over a decade ago, noting 27 that “[t]o the extent that [its] cases have suggested a lesser standard, they are no longer controlling, 1 First Amended Complaint (“FAC”) (ECF 6) § 10, and that Bhs “suffered economic losses” 2 || litigating in state court against its former client Moreh, Inc., who is represented in that action by 3 Defendants, FAC 4] 12.7 Economic injury that can be redressed by money damages does not 4 || constitute irreparable harm justifying injunctive relief, so any such harm to Bhs is an insufficient 5 basis to issue a TRO.

See *Lydo Enterprises, Inc. v. City of Las Vegas*, 745 F.2d 1211, 1213 (9th Cir. 1984) (“Purely monetary injuries are not normally considered irreparable.”); *Los Angeles 7 Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1202 (9th Cir. 1980). Bhs’s 8 allegations of economic harm cannot carry the day. 9 For these reasons, Bhs has not shown a likelihood of irreparable harm.

Accordingly, the 10 || Court need not consider whether Bhs has made an adequate showing of the other Winter factors, 11 see *Oakland Trib., Inc. v. Chron. Pub. Co.*, 762 F.2d 1374, 1376 (9th Cir. 1985) (where plaintiff 12 || “has not made th[e] minimum showing” of irreparable injury, courts “need not decide whether 13 [plaintiff] is likely to succeed on the merits”), and DENIES Bhs’s application for a TRO.

15 IT IS SO ORDERED. A 16 Dated: June 6, 2025 = 17 ef □ uh Z 18 ARACELI MARTINEZ-OLGUIN 19 United States District Judge 20 21 22 23 24 | 2 On June 4, 2025, Plaintiff filed a second amended complaint. See ECF 16. However, under 95 || Federal Rule of Civil Procedure (“Rule”) 15(a)(1), a plaintiff is entitled to amend its complaint only once as a matter of course.

Bhs exercised that that right and filed a first amended complaint 26 on May 22, 2025. See ECF 6. Plaintiff did not seek leave of court nor Defendant’s consent to file the second amended complaint, ECF 16, as required by Rule 15({a)(2).

Accordingly, the Court 7 STRIKES the second amended complaint. See *Khan v. City of Pinole Police Dep’t*, No. 4:19- CV-06316-YGR, 2020 WL 3617903, at *6 (N.D. Cal. July 2, 2020). Thus, the operative 2g || complaint is the first amended complaint filed on May 22, 2025.