

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.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 6, 2025
DOCKET	25-cv-04328-AMO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought an ex parte temporary restraining order to enjoin defendants from allegedly engaging in the unauthorized practice of law. The district court denied the TRO and struck plaintiff's improperly filed second amended complaint.
STANDARD OF REVIEW	A temporary restraining order is an extraordinary remedy, and the plaintiff bears the burden of establishing a likelihood of success on the merits, a likelihood of irreparable harm absent relief, that the balance of equities favors the plaintiff, and that an injunction serves the public interest. The court may deny relief without analyzing the remaining Winter factors when the plaintiff fails to make the minimum showing of irreparable injury.
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

injunctions

civil procedure

motion to amend

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PRACTICE AREAS

civil procedure

injunctive relief

commercial litigation

unauthorized practice of law

QUESTIONS PRESENTED

1. Whether BHS Law established a likelihood of irreparable harm sufficient to warrant a temporary restraining order.
2. Whether the court could consider the second amended complaint filed without leave of court or defendants' consent.

HOLDINGS

1. BHS Law failed to establish a likelihood of imminent irreparable harm. Conclusory allegations of litigation-related waste and economic injury were insufficient, and economic injuries redressable by money damages do not ordinarily constitute irreparable harm.
2. The court struck BHS Law's second amended complaint because BHS had already exercised its one amendment as a matter of course and filed the second amendment without court leave or defendants' consent.

KEY QUOTATIONS

“For a court to issue this extraordinary relief, a plaintiff must establish a likelihood of success on the merits, a likelihood of irreparable harm absent injunctive relief, that the balance of equities tips in plaintiff’s favor, and that the public interest favors injunctive relief.” (at 1)

“Economic injury that can be redressed by money damages does not constitute irreparable harm justifying injunctive relief” (at 2)

FACTUAL BACKGROUND

BHS Law alleged that Jipyong LLC, a Korean limited liability company, and Jinhee Kim, an attorney licensed in California, were engaging in the unauthorized practice of law in California courts. BHS claimed that defendants' conduct caused economic injury by competing for the same clients and by representing a former BHS client in state-court litigation. BHS sought to prevent defendants from litigating in California courts, asserting that their filings could be subject to striking or dismissal and that their continued conduct would waste judicial resources.

PROCEDURAL HISTORY

BHS Law LLP filed a first amended complaint on May 22, 2025, and filed an ex parte motion for a temporary restraining order on June 2, 2025. The court ordered an opposition, set a hearing, later vacated the hearing, and decided the motion on the papers. Plaintiff filed a second amended complaint on June 4 without obtaining leave of court or defendants' consent; the court struck it under Federal Rule of Civil Procedure 15(a)(2), leaving the first amended complaint operative. The court denied the TRO on June 6, 2025.

DISPOSITION

other

CASES CITED

- Epic Games, Inc. v. Apple Inc., 493 F. Supp. 3d 817, 831 (N.D. Cal. 2020)
- Munaf v. Geren, 553 U.S. 674, 689-90 (2008)
- Winter v. Natural Resources Defense Council, 555 U.S. 7, 20 (2008)
- DISH Network Corp. v. F.C.C., 653 F.3d 771, 776 (9th Cir. 2011)
- Herb Reed Enterprises, LLC v. Florida Entertainment Management, Inc., 736 F.3d 1239, 1251 (9th Cir. 2013)
- Boardman v. Pacific Seafood Group, 822 F.3d 1011, 1022 (9th Cir. 2016)
- Caribbean Marine Services Co. v. Baldridge, 844 F.2d 668, 674 (9th Cir. 1988)
- Arizona Dream Act Coalition v. Brewer, 757 F.3d 1053, 1068 (9th Cir. 2014)
- Lydo Enterprises, Inc. v. City of Las Vegas, 745 F.2d 1211, 1213 (9th Cir. 1984)
- Los Angeles Memorial Coliseum Commission v. National Football League, 634 F.2d 1197, 1202 (9th Cir. 1980)
- Oakland Tribune, Inc. v. Chronicle Publishing Co., 762 F.2d 1374, 1376 (9th Cir. 1985)
- Khan v. City of Pinole Police Department, No. 4:19-CV-06316-YGR, 2020 WL 3617903, at *6 (N.D. Cal. July 2, 2020)