

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, JACKSONVILLE DIVISION

Modaxo Traffic Management USA, Inc. v. Sean Collins

No. 3:25-cv-1463-WWB-LLL, United States District Court for the Middle District of Florida, Jacksonville
Division (November 26, 2025)

SUMMARY

The United States District Court for the Middle District of Florida denied Modaxo Traffic Management USA, Inc.’s emergency motion for an ex parte temporary restraining order against Sean Collins. The court held that Plaintiff had not shown immediate irreparable harm or provided sufficient justification for denying notice and an opportunity to be heard under Federal Rule of Civil Procedure 65(b), and directed Plaintiff to file a separate motion if it seeks a preliminary injunction.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Jacksonville Division
WRITING FOR THE COURT	Wendy W. Berger
JURISDICTION	United States District Court for the Middle District of Florida, Jacksonville Division
DECIDED	November 26, 2025
DOCKET	3:25-cv-1463-WWB-LLL
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff sought an emergency ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b), seeking to enjoin Defendant from using confidential information and to require production of his electronics for inspection.
STANDARD OF REVIEW	To obtain a temporary restraining order, the movant must show a substantial likelihood of success on the merits, irreparable injury absent relief, that the threatened injury outweighs harm to the nonmovant, and that relief serves the public interest. For an ex parte TRO under Rule 65(b), the movant must also provide specific facts clearly showing immediate irreparable injury before the adverse party can be heard and facts explaining why notice is impracticable.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

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Modaxo Traffic Management USA, Inc. v. Sean Collins

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QUESTIONS PRESENTED

1. Whether Plaintiff established the immediate and irreparable injury required for an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b).
2. Whether Plaintiff showed that notice and an opportunity to respond should be denied because notice was impracticable.
3. Whether the emergency motion should be treated as a request for a preliminary injunction.

HOLDINGS

1. Plaintiff failed to establish the immediate irreparable harm required for an ex parte temporary restraining order because its conclusory allegations lacked supporting factual or legal detail showing that Defendant posed an immediate threat.
2. Plaintiff failed to establish that notice to Defendant was impracticable or that Defendant should be denied an opportunity to respond.
3. The court would not treat the emergency motion as a request for a preliminary injunction; Plaintiff was required to file a separate motion to seek that relief.

KEY QUOTATIONS

“Pursuant to Federal Rule of Civil Procedure 65(b), a district court may issue a temporary restraining order “without written or oral notice to the adverse party” if the requesting party provides “specific facts . . . [that] clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.””

“An ex parte temporary restraining order is an extreme remedy to be used only with the utmost caution.”

FACTUAL BACKGROUND

Modaxo alleged that Collins had stolen substantial confidential information, continued to possess it, and was working for a competing business. Modaxo had known of Collins's possession of the information and competing employment for nearly two months, and relied primarily on conclusory assertions and his failure to respond to an October 2025 cease-and-desist letter to support ex parte relief.

PROCEDURAL HISTORY

Modaxo filed an emergency motion for a temporary restraining order in this newly filed diversity action. The district court denied the motion because Plaintiff failed to establish immediate irreparable harm and failed to show why notice and an opportunity to respond should be denied. The court declined to construe the motion as a request for a preliminary injunction and instructed Plaintiff to file a separate motion if it sought that relief.

DISPOSITION

denied

CASES CITED

- Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225–26 (11th Cir. 2005)
- Levine v. Comcoa Ltd., 70 F.3d 1191, 1194 (11th Cir. 1995) (Hill, J., concurring)
- Am. Residential Servs., LLC v. Kennon Heating & Air Conditioning, Inc., No. 1:23-CV-02061, 2023 WL 4401616, at *2 (N.D. Ga. May 10, 2023)

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