

FEBRUARY ISSUE

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Injunctions in Business Litigation

Some business disputes can't wait for the offending party to agree to a reasonable settlement or for a lawsuit to wind its way through the court system.

Sometimes you need more immediate relief from conduct that is harmful to you and your business. In those situations, an injunction might be warranted.

These "Frequently Asked Questions" cover the basics. We urge you to contact us if you would like to talk about whether an injunction is appropriate in your particular situation.



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1. What is an injunction?

An injunction is a court order that requires a party to take or, more often, to refrain from taking certain actions. It is a form of relief – a remedy – that an injured party may seek in addition to, or instead of, monetary compensation.

2. How long does an injunction remain in effect?

The answer to this question depends on the type of injunctive relief issued by the court. There are three types of injunctions:

Temporary restraining orders (TROs);
Preliminary injunctions;
and
Permanent injunctions.

A TRO is issued in emergencies; it preserves the status quo and protects the plaintiff from injury until the court can hold a full hearing.

A preliminary injunction preserves the status quo and protects the plaintiff from injury pending final resolution of a lawsuit.

A permanent injunction is a

final order that is intended to govern the parties' future conduct without the need for further court intervention.

3. How do I get an injunction?

To get a TRO or preliminary injunction, you must present evidence that shows (1) you are likely to win your lawsuit against the defendant; and (2) the harm to you, if the injunction is denied, outweighs the inconvenience to the defendant if the injunction is granted.

To get a permanent injunction, you must prove

that money damages, alone, are an inadequate remedy, and that you and your business will suffer irreparable harm if the injunction is not granted.

4. When is an injunction an appropriate remedy?

Injunctive relief may be warranted any time the defendant is engaging in conduct that is causing or is likely to cause irreparable harm to you or your business and money, alone, won't fix

the problem. For example, injunctions are commonly granted in cases involving allegations of:

- Misappropriation of trade secrets.
- Trademark infringement.
- Copyright infringement.
- Trade libel. (In contrast, libel and slander ordinarily cannot be enjoined because of constitutional free speech guarantees.)
- Unlawful interference with contracts or business

- relationships.
- Unfair business practices.
- Covenants not to compete.
- Breach of fiduciary duty (including misuse by directors of corporate powers or assets).
- Repeated trespass.
- Nuisance. 📌

Illustrations by Storyset



Tips Before You Move

Start with the basics.

Get rid of what you don't need. Your boxes have precious little space to accommodate additional junk. Donate, sell, or throw out items you will no longer need at your new home. Make a trip to your local thrift shops or hold a yard sale. Trying to pack up things you no longer need that you'll have to sort through later will only add unnecessary stress to an already-overwhelming move.

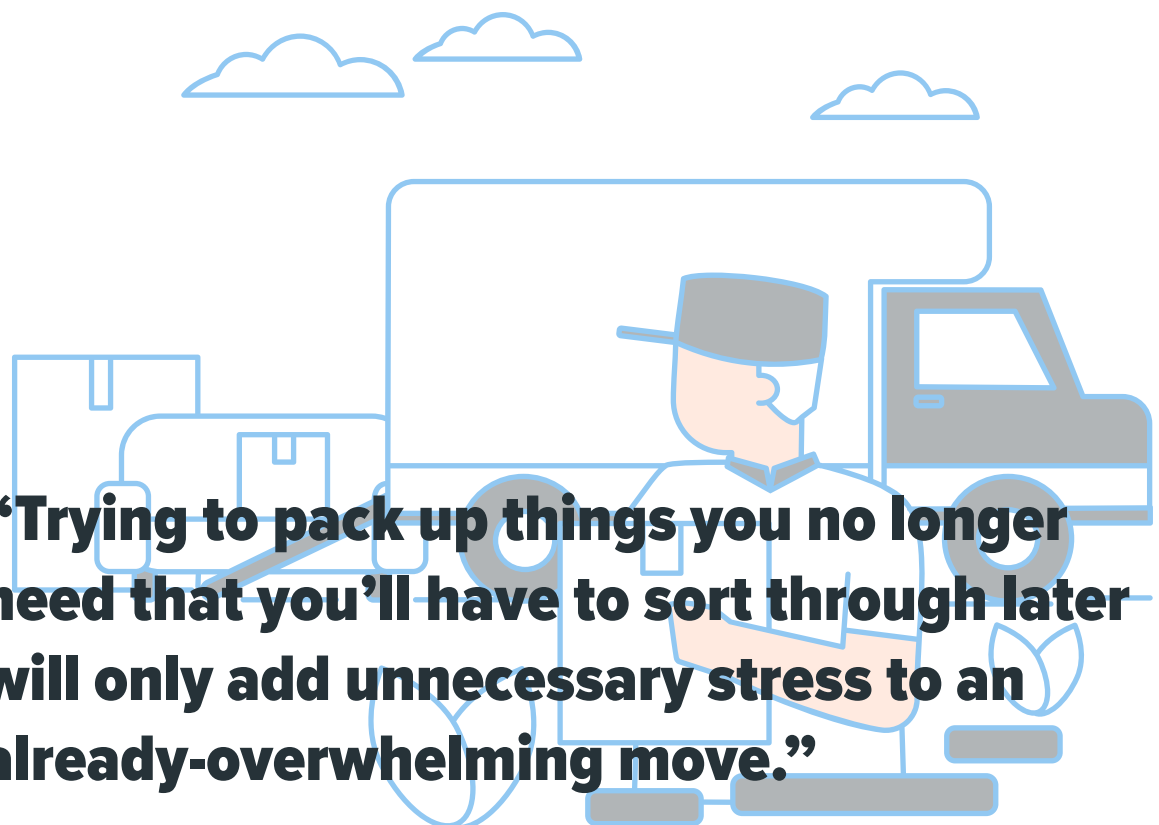
Ensure your utilities are in order.

Imagine showing up to your new place at night, and there's no electricity! Or, it's the dead of winter and there's no gas! Triple check that each utility will be turned on at your new house at the right time, and confirm that your utilities at your previous home are turned off. There may be some overlap here, as you will probably need the lights turned on to clean your previous residence even after you've moved everything else out.

Forward your mail.

This is very easy and quick to do through the US Postal Service website! You can even sign up for their handy online Informed Delivery Digest service, which enables you to see scanned images of any mail or packages that have been processed through USPS and are heading your way. This way, none of your bills fall through the cracks!





“Trying to pack up things you no longer need that you’ll have to sort through later will only add unnecessary stress to an already-overwhelming move.”

Label each of your boxes (in detail).

Try to keep items organized in their respective boxes by room (i.e., kitchen, bathroom, etc.). When you’re in a rush, it can be tempting to start throwing random objects into any old box, but once you’re all moved in and ready to unpack, you will thank yourself for making your life a little bit easier.

Review your prior lease to make sure you have all your bases covered.

If you’re a renter, this is one

of the most crucial steps to take when moving, as you don’t want to forfeit your deposit or incur any other issues with your former landlord.

Take plenty of time-stamped photos before you move out.

Consider taking a time-stamped walk-through video, where you turn each utility on and show that it works at the time of move-out (oven, A/C, etc.), open and close cabinets and windows, etc. Remember, you can never have too much documentation!

If you’re renting, clean as much of your previous residence as humanly possible.

Not only will this engender goodwill with your former landlord, but it also helps avoid having an exorbitant cleaning fee taken out of your deposit. Win-win! 📌

Illustrations by Designs.ai

Airport Time-Saving Tips

Follow the useful tips below to streamline your journey and arrive at your destination with a smile on your face.

1. Enroll in an Expedited Security Program

The Transportation Security Administration (TSA) and Department of Homeland Security offer several programs that can decrease time spent in airport security and customs lines. They are not free, but many people would gladly pay a small fee

rather than brave an hour-long security checkpoint.

TSA Pre-Check is currently utilized by over 7 million travelers and a five-year membership can be obtained for \$85. The TSA website states that 94% of its Pre-Check members waited five minutes or less to clear

security in July 2018. As an added bonus, enrollees in the program do not have to remove their shoes, laptops, small liquids, belts, or light jackets as they pass through the checkpoint, which both saves crucial time and eliminates what can be an awkward experience. To learn more, visit www.tsa.gov/precheck.

For international travelers, the Global Entry program may be more enticing. Participants touching down on United States soil from international destinations will be able to use a simple kiosk to clear customs. To further streamline things, no paper forms like declarations need to be filled out. Global Entry's five-year membership costs \$100 and includes TSA Pre-Check, though membership does require more initial screening. For more information, visit www.dhs.gov/trusted-traveler-programs.



2. Choose the Best Lines

If you don't have any interest in one of the aforementioned security programs, you'll inevitably get caught in a line at some point. However, there are ways to gauge which security lines will be the most efficient.

For example, security checkpoints in far-off corners of the airport are typically frequented far less than any in plain view. While taking additional time to walk to one of these areas may seem counterintuitive and inefficient, the shorter, quicker security check will save you additional minutes in the end. Use your newly acquired phone apps from Tip 2 to seek out sparsely populated access points.

Additionally, spotting a line with a single TSA agent will usually be the best option. Multiple agents at a single X-ray machine may indicate that one of them is a trainee, meaning that the supervising agent may stop the machine or reverse it in order to impart some wisdom. The lone wolf, on the other

hand, will be all business and focused only on quickly analyzing luggage and getting passengers on their way.

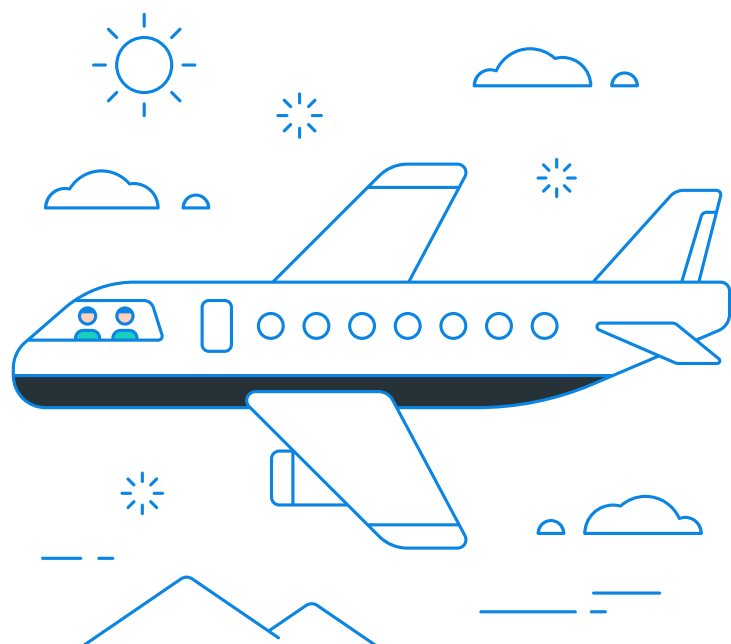
3. Avoid Checked Bags

While not always a possibility, particularly for longer trips, foregoing large suitcases that need to be checked will significantly speed up your airport experience and prevent unpleasant checked bag fees. You'll get to avoid the ticket counter as you depart (as long as you printed out your boarding pass ahead of time or added an electronic copy to your phone) and skip the burdensome baggage carousel upon arrival. You will also breathe easier without having to worry

about airline staff losing your luggage.

To save space in your carry-on bag, try wearing large, bulky clothing like sweatshirts or jackets at the airport, thus freeing up precious cubic feet that can be used for other critical items. You can take them off and store them under your seat during the flight. Some travelers also swear by reusable vacuum-sealed bags that eliminate space you would otherwise waste on air within your carry-on. A quick Amazon search for "vacuum travel bag" or "compression travel bag" will get you started. 📌

Illustrations by Designs.ia



Where Did Valentine's Day Come From Anyway?

As you drown in a sea of shiny red boxes, stomach filled with chocolates of every assortment, you may find yourself wondering where this flowery, sugar-infused holiday came from. While no one knows for certain, there are a few theories that may shed some light on everyone's favorite day to eat too much candy.

St. Valentine: A Secret Matchmaker?

Some speculate that Valentine's Day gets its name from Saint Valentine, a Roman saint who performed marriages in secret, defying Emperor Claudius II, a ruler who believed that unmarried men made for better soldiers. After Emperor Claudius had Valentine executed on February 14th, the day became known as "Valentine's Day"--or at least that's what we think.



Valentine's Day: The Party of The Year ... 496 AD?

Others speculate that Valentine's Day is rooted in an ancient Roman festival called Lupercalia, a wild festival that took place in the middle of February. A day of drunken revelry, Lupercalia primarily celebrated--you

guessed it—love.

Like with any ritual that has been passed down from eons past, there will always be speculation derived from bits and pieces of our collective history. And while we may never know the true origins

of this romance-filled holiday, we will always have at least one day in the year where we can shower our loved ones with appreciation... or, if that doesn't float your boat, eat way too much chocolate. ■

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