

## MOTION FOR TEMPORARY RESTRAINING ORDER CHECK LIST

### FILING MOTION WITH NEW COMPLAINT

- When a new case is being opened by plaintiff's attorney and a Motion for Temporary Restraining Order is being filed in that case, plaintiff's attorney is expected to notify the defendants, giving them information concerning the TRO, including the exact date and time to appear. Reasonable time should be given for the defendants to appear. If the defendants choose not to appear, an Affidavit is to be prepared informing the Court of the defendants' response. (Pursuant to FRCP 65)

- After docketing the Complaint, the attorney will docket the Motion for Temporary Restraining Order. The memorandum in Support and the Proposed Order for TRO should be filed as attachments to the Motion. The Proposed Bond Order should be filed as a separate event-Motion for Bond.

- **A separate notice must be filed indicating the date and time the plaintiff is requesting the TRO be heard, as well as the parties and attorneys expected to appear.**

- **The Notice Requesting Hearing on Motion for Temporary Restraining Order will be filed using the Court's form MOED-0062. The form is located at [www.moed.uscourts.gov/forms](http://www.moed.uscourts.gov/forms).**
- **The filer will find the proper CM/ECF event for docketing under Civil>Other Filings>Notices>Notice (Other).**
- **This notice MUST be filed before the case can be quality controlled by a Deputy Clerk and assigned to a judge for hearing.**

- After opening the case and filing the motions and notice, the Clerk's Office is to be informed that a Motion for Temporary Restraining Order and Notice of Motion has been filed and whether or not defendants have been notified. Upon completion of these requirements a Deputy Clerk will quality control the new case and a judge will be notified that a TRO has been filed.

### REQUIREMENTS

- **The attorney of record must be a member of the Eastern District of Missouri bar or have a Motion to Appear Pro Hac Vice.** (See Local Rule 12.01 for requirements)

- The attorney of record must sign all documents pursuant to FRCP11. When the attorney is opening the new case on ecf, the use of the ecf login and password assigned by the court complies with Rule 11.

- See the Civil Case Check List for the documents required when filing a new case and service of the Complaint requirements.

- The Motion for Temporary Restraining Order with a Memorandum in Support and a Proposed Order. (Please do not include this motion in the body of the Complaint.)

- A proposed Bond Order to be signed by the judge who will determine the amount of bond to be posted.

- If a surety bond is being posted, the cashier will check the Federal Registry to make sure the surety company is listed. The court requires a current certified Certificate of Authority from the Missouri Division of Insurance be on file and the Attorney-in-Fact is registered with this court. To contact the cashier to verify a surety company's information, please call 314-244-7872.

- When the TRO Order entered directs the U.S. Marshal to serve a Temporary Restraining Order, the U.S. Marshal requires a completed U.S. MARSHAL FORM 285.

**The FEE for filing a civil case is \$402.00.** When an attorney is opening the case electronically through CM/ECF, a valid credit card or ACH/debit is required for payment through Pay.Gov. If a person representing him or herself Pro Se is filing the case, this Court accepts payment by cash, credit card, or check – the check should be made payable to “Clerk, U.S. District Court.”

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