STATE OF MAINE CUMBERLAND, ss.

BUSINESS & CONSUMER DOCKET LOCATION: PORTLAND DOCKET NO. BCD-CIV-2020-43

RYAN M. JEFFREY, DDS,)	
)	
Plaintiff,)	
)	
v.)	ORDER DENYING MOTIONS FOR
)	TEMPORARY RESTRAINING ORDERS
RONALD BAILEY, DMD,)	
ET AL.,)	
)	
Defendants.)	

The parties to this action dispute the interpretation, application, and enforcement of a Confidentiality and Non-competition Agreement dated June 10, 2013. The parties have filed competing Motions for Temporary Restraining Orders. Oral argument on the Motions was conducted on February 1, 2021. For the reasons discussed below, the Court denies both Motions.

In order to prevail on a Motion for Temporary Restraining Order, the moving party must show, *inter alia*, irreparable harm if the injunction is not granted. *Ingraham v. University of Maine at Orono*, 441 A.2d 691, 693 (Me. 1982). Absent a showing of irreparable injury, the motion must be denied. *Id.* In this case, at this stage of the proceeding, neither moving party has made the necessary showing of irreparable harm. Accordingly, both Motions are denied.

The Clerk will reach out to the parties to see if they wish to proceed with an evidentiary hearing on the Motions for Preliminary Injunction. Counsel are reminded

that under the applicable pandemic guidance, the trial courts are not currently

permitted to schedule civil trials (even if conducted remotely) unless there are urgent

and compelling reasons. Accordingly, if any party wishes to have an evidentiary

hearing (i.e. trial) on the Motions for Preliminary Injunction, the party will need to

file a Motion arguing that there are urgent and compelling reasons to schedule the

hearing.

Pursuant to M.R. Civ. P. 79(a), the Clerk is instructed to incorporate this Order

by reference on the docket for this case.

So Ordered.

February 1, 2021.

/s/

Michael A. Duddy

Judge, Business and Consumer Docket

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