

1000 Bryn Mawr Road
Carlisle, PA 17013

Based on the nature of the relief requested, I have also served Carlisle Productions, Inc. by serving its CFO and treasurer via email: HaroldB@carlisleevents.com

June 17, 2020 Cert of Service.

Also on June 17, 2020, at 4:06 a.m., the Department filed the instant Application. The “Proof of Service” attached thereto also stated:

I hereby certify that I am on June 17, 2020 serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirement of Pa. R.A.P. 121 and 1514(c).

Service by hand delivery, addressed as follows:
Carlisle Productions, Inc.
1000 Bryn Mawr Road
Carlisle, PA 17013

Based on the nature of the relief requested, I have also served Carlisle Productions, Inc. by serving its CFO and treasurer via email: HaroldB@carlisleevents.com

June 17, 2020 Cert of Service. Notwithstanding, this Court is aware that Carlisle Events has filed an entry of appearance.

Pennsylvania Rule of Civil Procedure 1531(a) states:

A court shall issue a preliminary or special injunction only after written notice and hearing unless it appears to the satisfaction of the court that immediate and irreparable injury will be sustained before notice can be given or a hearing held, in which case the court may issue a preliminary or special injunction without a hearing or without notice. In determining whether a preliminary or special injunction should be granted and whether notice or a hearing should be required, the court may act on the basis of the averments of the pleadings or petition and may consider affidavits of parties or third persons or any other proof which the court may require.

Pa. R.C.P. No. 1531 (emphasis added).

The Pennsylvania Superior Court has explained:

A preliminary injunction may be granted without notice and a hearing **only** when there exists a need for unusual haste so that a clear right may be protected from immediate and irreparable injury. In that event, the court must make a finding that relief is necessary and must be awarded before the defendant can be notified. If the court then fails to conduct a hearing within five days, the injunction is deemed dissolved.

WPNT Inc. v. Secret Communication, 661 A.2d 409, 410-11 (Pa. Super. 1995) (emphasis added; citations omitted). Further, in the concurring opinion in *Apple Storage Co. v. Consumers Education & Protective Associates*, 272 A.2d 496 (Pa. 1971), Justice Pomeroy of the Pennsylvania Supreme Court emphasized:

Under Pa. R.C.P. [No.] 1531(a), 12 P.S. Appendix, a preliminary injunction granted [e]x parte is invalid ‘unless it appears to the satisfaction of the court that immediate and irreparable injuries will be sustained before notice can be given or a hearing held.’ As stated by a leading commentator, ‘the normal rule is never to grant a preliminary injunction except after notice to the defendant and a hearing before the court.’ 2 Goodrich-Amram, § 1531(a)-5. *See[] also*, 10 Anderson Pennsylvania Civil Practice, p. 382, 1970 Supp. p. 166; 8 Standard Pennsylvania Practice, Ch. 36, § 6, p. 390. The Rule is but declaratory of what has long been our case law. Thus, in *Kittanning Brewing Co. v. Am[.] Natural Gas Co.*, . . . 73 A. 174 ([Pa.] 1909), the Court stated: ‘The awarding of a preliminary injunction without notice is somewhat like judgment and execution before trial, for temporarily the defendant is damnatus inauditus. It is to be resorted to only from a pressing necessity to avoid injurious consequences that cannot be repaired under any standard of compensation. It ought never to be granted except in a clear case of an invaded right, to prevent irreparable mischief; and when the proof as to the right is so equally balanced as to leave it in doubt, the writ should be refused

until the rights of the parties are ascertained and settled . . .
..

Apple Storage, 272 A.2d at 499-500 (Pomeroy, J. concurring).

Given the extraordinary nature of an ex parte grant of a preliminary injunction and the fact that it does not appear to the Court, based on the averments of the pleadings, that immediate and irreparable injury will occur before a hearing is held, the Court will not issue an ex parte injunction.

The Court hereby enters the following Order:

ORDER

AND NOW, this 17th day of June, 2020, a hearing on the Application for Emergency Relief is scheduled for June 18, 2020 at 11:00 a.m. in Courtroom 5001, Fifth Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, to be conducted in accordance with a Decorum Order that will be entered separately. All Counsel are to file with the Court and a copy to be served upon opposing Counsel by 8:00 p.m. on June 17, 2020, a list setting forth the name(s) of all witnesses, if any, to testify at the hearing.