

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 6756	DATE	12/26/2012
CASE TITLE	Triune Health Group Inc et al vs. U.S. Dept of Health and Human Services		

DOCKET ENTRY TEXT

Plaintiffs' motion for a temporary restraining order [41] is denied.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

On August 22, 2012, Plaintiffs Triune Health Group, Ltd., Christopher Yep, and Mary Anne Yep filed this case. Approximately three months later – on November 28, 2012 – Plaintiffs filed a motion for preliminary injunction in this case. When they filed the motion, Plaintiffs asked for the same briefing schedule the Court previously had imposed on Defendants' motion to dismiss – namely, Defendants' response was due on December 12, 2012, and Plaintiffs' reply was due on December 19, 2012. The Court had informed the parties when it originally set the briefing schedule on the underlying motion to dismiss that it did not need to see them until it had ruled, and set another status date for February 14, 2013. At no time did Plaintiffs inform the Court of any urgency in ruling on the preliminary injunction motion.

On December 21, 2012 – with three business days for the courts remaining in 2012 – Plaintiffs filed a motion for a temporary restraining order ("TRO") seeking the precise relief upon the exact basis as set forth in their motion for a preliminary injunction. Plaintiffs have failed to offer any explanation for this delay. It is unclear if they are intentionally attempting to gain a strategic advantage over Defendants by filing it during the holidays or if they failed to appreciate the timing in the case. In any event, Plaintiffs' conduct undermines their argument that they will suffer irreparable harm if the Court does not issue a TRO immediately. *Ty, Inc. v. Jones Group Inc.*, 237 F.3d 891, 903 (7th Cir. 2001). As such, the Court denies Plaintiffs' motion for a TRO. The Court will rule in a timely manner on the pending motion for preliminary injunction based on the representations previously made to the Court.

Courtroom Deputy
Initials:

KF