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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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PURPLE INNOVATIONS, LLC, a  
Delaware limited liability company,

Plaintiff,

v.

HONEST REVIEWS, LLC, a Florida  
Corporation, RYAN MONAHAN, an  
individual, and GHOSTBED, INC., a  
Delaware corporation,

Defendants.

**ORDER**

Case No. 2:17-cv-138-DB

District Judge Dee Benson

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Before the court are Plaintiff's Motion for Order to Show Cause Why Defendants Should not be Held in Contempt (Dkt. No. 17), Defendants Ryan Monahan and Honest Reviews, LLC's Emergency Motion to Stay and Dissolve Temporary Restraining Order (Amended) (Dkt. No. 28), Defendant Ghostbed Inc.'s Motion to Dissolve the Temporary Restraining Order (Dkt. No. 36), Plaintiff's Motion for Leave to Conduct Expedited Discovery (Dkt. No. 39), Defendants Ryan Monahan and Honest Reviews, LLC's request for sanctions (fees) against Plaintiff, raised in their Opposition to Plaintiff's Motion for Order to Show Cause (Dkt. No.45), and Plaintiff's oral Motion to Convert the Temporary Restraining Order into a Preliminary Injunction. The court held a hearing on the Motions on March 14, 2017. Plaintiff was represented by James E. Magleby, Christine T. Greenwood, and Adam Alba. Defendants Honest Reviews, LLC and Ryan Monahan were represented by Marc J. Randazza, D. Gill Sperlein, and W. Andrew McCullough. Defendant Ghostbed, Inc. was represented by Eleanor M. Yost, Phillip S. Ferguson, and Bryson R. Brown. At the hearing, the court heard argument with respect to the above motions. At the

conclusion of the hearing, the court took the motions under advisement. Now being fully advised, the court issues the following order.

For the reasons set forth in the parties' briefing and at oral argument, the court finds a lack of "clear and unequivocal" support for a right to relief that is necessary for the entry of the "extraordinary remedy" of a preliminary injunction. *Greater Yellowstone Coal v. Flowers*, 321 F.3d 1250, 1256 (10th Cir. 2003). As such, the court hereby grants Defendants' motions to dissolve the Temporary Restraining Order (Dkt. No. 36), and denies Plaintiff's oral Motion to convert the Temporary Restraining Order into a Preliminary Injunction. The court similarly denies Plaintiff's Motion for Leave to Conduct Expedited Discovery (Dkt. No. 39) and Motion for Order to Show Cause Why Defendants Should not be Held in Contempt (Dkt. No. 17). The court further denies Defendants' request for sanctions, finding that such sanctions are not warranted here.

For the foregoing reasons, and for those expressed in the parties' briefing and oral arguments, Docket Numbers 17 and 39, as well as Plaintiff's oral Motion to convert the Temporary Restraining Order into a Preliminary Injunction, are hereby DENIED. Docket Number 28 and the portion of Docket Number 36 requesting dissolution of the Temporary Restraining Order are GRANTED. Defendants' request for sanctions is DENIED.

DATED this 14<sup>th</sup> day of March, 2017.

BY THE COURT:



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Dee Benson  
United States District Judge