

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**EXECSUMMITS, LLC,**

**Plaintiff,**

**v.**

**MICHAEL HEALY and KAREN  
HEALY,**

**Defendants.**

**CIVIL ACTION FILE**

**NO. 1:15-CV-3199-MHC**

**ORDER**

This action for conversion, tortious interference, defamation, violation of the Georgia Trade Secrets Act, and related claims was filed on September 11, 2015.

[Doc. 1.] Presently before the Court is Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 2] ("Pl.'s Mot.").

In order to obtain a temporary restraining order, Plaintiff must demonstrate: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury to Plaintiff outweighs the damage the relief would inflict on Defendants and (4) that granting the relief would not be adverse to the public interest. Four Seasons Hotels & Resorts v. Consorcio Barr, B.V., 320 F.3d 1205, 1210 (11th Cir. 2003); Ingram v.

Ault, 50 F.3d 898, 900 (11th Cir. 1995). A temporary restraining order is “an extraordinary and drastic remedy” and should be granted only when the movant carries the burden of persuasion as to each of the four prerequisites. Four Seasons, 320 F.3d at 1210; United States v. Jefferson Cty., 720 F.2d 1511, 1519 (11th Cir. 1983).

In its motion for temporary restraining order and preliminary injunction, Plaintiff essentially seeks identical relief to that sought in its Complaint. Specifically, Plaintiff requests the Court to enjoin Defendants from: “[c]onversion by means of sending Plaintiff’s contracted clients communications or invoices and redirecting payments to the Defendants;” “[v]iolating O.C.G.A. § 10-1-760 et seq. by means of emailing or calling Plaintiff’s confidential list of registrants for the purpose of redirecting them to or confirming they are registered for Defendants’ events;” and “[t]ortious interference with business relations by means of contacting Plaintiff’s clients with any communication that is defamatory toward or that makes direct or indirect mention or reference to the Plaintiff or any related parties for the malicious purpose of encouraging non-attendance at Plaintiff’s events or breach of an existing contract.” Pl.’s Mot. at 2.

Plaintiff has been aware of Defendants’ alleged wrongful actions since May, 2015, but seeks immediate relief due to a conference it will be holding beginning

September 15, 2015, from which it alleges Defendants have been dissuading Plaintiff's clients from attending. The Court finds that Plaintiff has failed to meet its burden regarding any substantial threat of immediate injury. Instead, it appears the alleged injury which Plaintiff seeks to redress already has occurred and, if Plaintiff were to be successful on the merits, would be compensable in monetary damages. See Diamond Power Int'l, Inc. v. Clyde Bergemann, Inc., 370 F. Supp. 2d 1339, 1349 (N.D. Ga. 2005) (alleged injuries expressed in terms of monetary damages for lost sales suffered as a consequence of Defendants' misappropriation of trade secrets are insufficient to establish irreparable harm for purposes of injunctive relief).

For the foregoing reasons, Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 2] is **DENIED**.

**IT IS SO ORDERED** this 14th day of September, 2015.



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MARK H. COHEN  
United States District Judge