

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Paisley Park Enterprises, Inc.; and
Comerica Bank & Trust, N.A., as Personal
Representative of the Estate of Prince
Rogers Nelson,

Plaintiffs,

v.

George Ian Boxill,

Defendant.

Case No. 17-cv-1212 (WMW/TNL)

**ORDER GRANTING IN PART
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER**

This matter came before the Court on April 19, 2017, on Plaintiffs' motion for a temporary restraining order. (Dkt. 17.) Plaintiffs and Defendant appeared through counsel. When determining whether a temporary restraining order is warranted, a district court considers four factors: (1) the threat of irreparable harm to the movant, (2) the balance between this harm and the injury that the injunction will inflict on other parties, (3) the probability that the movant will succeed on the merits, and (4) the public interest. *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981). The Court has considered the *Dataphase* factors and concludes that those factors, on balance, weigh in favor of issuing a temporary restraining order. A separate memorandum opinion detailing the reasons for the Court's decision will follow.

ORDER

Based on the foregoing and all the files, records and proceedings herein, **IT IS
HEREBY ORDERED:**

1. The motion for a temporary restraining order filed by Plaintiffs Paisley Park Enterprises, Inc., and Comerica Bank & Trust, N.A., as Personal Representative of the Estate of Prince Rogers Nelson, (Dkt. 17), is **GRANTED** to the extent outlined herein.

2. Defendant George Ian Boxill, and others acting in concert with him, shall not publish or otherwise disseminate any unreleased recordings that comprise the work of Prince Rogers Nelson that are alleged to be within the scope of the Confidentiality Agreement between Boxill and Paisley Park Enterprises.

3. Defendant George Ian Boxill shall deliver all of the recordings acquired through his work with Paisley Park Enterprises, including original recordings, analog and digital copies, and any derivative works, to Plaintiffs in consultation with Plaintiffs' counsel of record.

4. This temporary restraining order will expire at 11:59 p.m. on May 3, 2017, unless it is extended by this Court.

5. Because Plaintiffs requested a waiver of the security requirement of Rule 65(c), Fed. R. Civ. P., and Defendant did not address this issue in its submissions or at the hearing, the Court temporarily waives the security requirement. *See Richland/Wilkin Joint Powers Auth. v. U.S. Army Corps of Eng'rs*, 826 F.3d 1030, 1043 (8th Cir. 2016) (affirming waiver of security requirement and observing that "exceptions have been made where the defendant has not objected to the failure to require bond or where the damages resulting from a wrongful issuance of an injunction have not been shown"). The parties

shall address the need for and appropriate amount of a bond in their preliminary injunction briefing.

6. Plaintiffs' motion for and memorandum in support of a preliminary injunction shall be filed no later than April 25, 2017. Defendant's memorandum in opposition to the motion for a preliminary injunction shall be filed no later than April 28, 2017. The Court will set a hearing on the motion for a preliminary injunction in a forthcoming order.

Dated: April 19, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge