

Application for Temporary Restraining Order

*Fill out this form if your case is an emergency
and you can't wait for your housing problems
to be fixed.*

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
500 INDIANA AVENUE, N.W., RM. 5000
Washington, D.C. 20001 Telephone (202) 879-1133

Plaintiff/Tenant

v.

CA No. _____

Defendant/Landlord

APPLICATION FOR TEMPORARY RESTRAINING ORDER

I ask the Court for a Temporary Restraining Order enjoining Defendant/Landlord to do the following pending a hearing on a Motion for Preliminary Injunction:

1. Check all that apply:
 - (a) Restore me access to the premises located at _____.
 - (b) Restore essential services that Defendant/Landlord is obligated to provide (specify): _____.
 - (c) Correct serious housing code violations that prevent me from using or enjoying the premises. The violation(s) include (specify): _____.
 - (d) Other (specify): _____.

2. Not interfere with my right to possession, use or enjoyment of the premises, barring further order of the Court.

3. The Court should issue a Temporary Restraining Order because:
 - (a) Check all that apply:
 - (i) I am likely to win on the merits of my case at trial because Defendant/Landlord wrongfully evicted me. Defendant/Landlord evicted me without suing me for possession of real estate in Landlord-Tenant Court, without serving me with a Complaint for Possession of Real Estate and/or Writ of Restitution, and/or without the U.S. Marshals being present during the eviction. *Mendes v Johnson*, 389 A.2d 781 (D.C. 1978).
 - (ii) I am likely to win on the merits of my case at trial because Defendant/Landlord stopped providing essential services that Defendant/Landlord is obligated to provide. *Javins v. First Nat'l*

Realty Corp., 428 F.2d 1071, 1072-73, 138 U.S. App. D.C. 369, 370-71 (D.C. Cir. 1970), cert. denied, 400 U.S. 925, 91 S.Ct. 186, 27 L.Ed.2d 185 (1970).

- (iii) I am likely to win on the merits of my case at trial because Defendant/Landlord failed to correct serious housing code violations that prevent me from using or enjoying the premises. *Javins v. First Nat'l Realty Corp.*, 428 F.2d 1071, 1072-73, 138 U.S. App. D.C. 369, 370-71 (D.C. Cir. 1970), cert. denied, 400 U.S. 925, 91 S.Ct. 186, 27 L.Ed.2d 185 (1970).
- (iv) I am likely to win on the merits of my case at trial because (specify): _____.

(b) I will suffer irreparable harm if my Application is denied because (Check all that apply):

- (i) I have been actually or constructively evicted from the premises.
- (ii) Other (specify): _____.

(c) If my Application is denied, I will suffer more harm than Defendant/Landlord will suffer if my Application is granted.

(d) Granting my Application is in the public interest.

4. The Court has discretion to grant my Application under SCR-65. I should not be required to post bond because I am only asking the Court to order Defendant/Landlord to do what the law requires.

WHEREFORE, Plaintiff/Tenant prays that this Court:

1. Grant my Application for a Temporary Restraining Order; and
2. Grant such other and further relief as the Court may deem proper.

Plaintiff/Tenant

Address

Phone Number

Date

CERTIFICATE OF SERVICE

REQUIRED: You must serve all other parties or their lawyers. If a party has a lawyer, you must serve the lawyer instead of the party.

I hereby certify that a copy of this Application was

(check one) hand-delivered mailed to

Defendant/Landlord or Defendant/Landlord's Lawyer on the following date:

_____, 20____ at the following address: _____

_____.

Signature of person who hand-delivered or mailed a copy of the Application

**POINTS AND AUTHORITIES IN SUPPORT OF MY
APPLICATION FOR TEMPORARY RESTRAINING ORDER**

1. *Mendes v Johnson*, 389 A.2d 781 (D.C. 1978).
2. *Javins v. First Nat'l Realty Corp.*, 428 F.2d 1071, 1072-73, 138 U.S. App. D.C. 369, 370-71 (D.C. Cir. 1970), cert. denied, 400 U.S. 925, 91 S.Ct. 186, 27 L.Ed.2d 185 (1970).
3. SCR-Civ. 65.
4. D.C. Mun. Regs. Tit. 14, § 301.1 (1991).

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
500 INDIANA AVENUE, N.W., RM. 5000
Washington, D.C. 20001 Telephone (202) 879-1152

Plaintiff/Tenant

v.

CA No. _____

Defendant/Landlord

ORDER

Having considered Plaintiff/Tenant's Application for Temporary Restraining Order, the Court hereby makes the following findings of fact: _____

Having considered Plaintiff/Tenant's Application for Temporary Restraining Order, the Court hereby makes the following conclusions of law: _____

It is hereby ORDERED that:

- This Temporary Restraining Order issue, without cost to Plaintiff/Tenant, pending a hearing on Plaintiff/Tenant’s Motion for Preliminary Injunction. The Motion will be heard on _____, 20____ at _____ AM/PM, at which time this Restraining Order will expire, barring further order from the Court.
- Defendant/Landlord is hereby ordered to restore Plaintiff/Tenant’s access to the premises located at _____ immediately, and to refrain from any further acts which interfere with Plaintiff/Tenant’s right to possession, use or enjoyment of the premises, barring further order of the Court.
- Defendant/Landlord is hereby ordered to restore essential services to the premises occupied by Plaintiff/Tenant located at _____ immediately, and to refrain from any further acts which interfere with Plaintiff/Tenant’s right to possession, use or enjoyment of the premises, barring further order of the Court.
- Defendant/Landlord is hereby ordered to correct severe housing code violations to the premises occupied by Plaintiff/Tenant located at _____ immediately, and to refrain from any further acts which interfere with Plaintiff/Tenant’s right to possession, use or enjoyment of the premises, barring further order of the Court.
- Defendant/Landlord is hereby ordered to (specify): _____
_____.
- The D.C. Metropolitan Police Department shall escort Plaintiff/Tenant back in to the premises, if necessary.
- Plaintiff/Tenant shall not be required to post bond.

Judge

Date

Time