

Injunctive Relief and Emergency Motions

Attorneys

Thomas J. Cleary

Amber Cohen

Alexander L. Friedman

Erynn A. Hamel

Michael Kozlov

Kellie L. Sanders

Adam Sloane

Tyler K. Tyack

Jack C. Zachary

Related Services

Civil Litigation

Appeals and Post-Trial
Motions

Breach of Contract and
Commercial Disputes

Injunctive Relief and
Emergency Motions

Restraining Orders
(Harassment Prevention)

Tort Claims and Personal
Liability Defense

Overview

A temporary restraining order can freeze assets, halt construction, block a former employee from soliciting clients, or prevent the destruction of evidence. It can also be denied in under ten minutes if the application fails to establish irreparable harm. Massachusetts courts apply a well-established four-factor test before granting any form of emergency injunctive relief, and judges in the Superior Court and Business Litigation Session expect counsel to address each factor with specificity, not generalities.

Clients facing these situations are often operating under extreme time pressure with significant consequences on the line. Whether you need emergency court intervention to stop ongoing harm or you are defending against a motion that threatens your operations, the outcome often depends on preparation completed before the hearing begins. The procedural demands are equally rigorous on both sides. Cohen Cleary represents both plaintiffs seeking emergency relief and defendants opposing it, with the courtroom experience and procedural discipline that emergency motions demand.

How We Help With Emergency Injunction and TRO Representation

Emergency injunctive proceedings move on compressed timelines, and the legal standards are demanding. These proceedings can also set the trajectory for the entire litigation, culminating in a permanent injunction at trial if the underlying case supports it. We handle every phase of the process:

Temporary Restraining Orders (TROs)

We prepare and file ex parte TRO applications when circumstances require immediate relief without advance notice to the opposing party, including asset freeze orders and trade secret TROs. Massachusetts Rule of Civil Procedure 65 imposes strict requirements for ex parte relief, including a showing of immediate and irreparable injury. We build the evidentiary record needed to meet that standard.

Preliminary Injunctions

When the court sets a hearing on the merits of continued injunctive relief, we present witness testimony, documentary evidence, and legal argument addressing all four factors: likelihood of success on the merits, irreparable harm, balance of harms, and the public interest.

Defense Against Emergency Motions

We represent parties opposing TROs and preliminary injunctions, challenging the movant's factual assertions and legal theories. A successful defense often requires demonstrating that the alleged harm is compensable through money damages or that the balance of equities favors dissolution.

Bond and Security Requirements

Massachusetts courts may require the party obtaining injunctive relief to post a bond. We advise clients on bond exposure and argue for appropriate security to protect against wrongful injunction.

Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our injunctive relief work, this approach helps clients navigate emergency proceedings with clarity, efficiency, and confidence.

Our Approach to Emergency Motions and Injunctive Relief

Emergency motions are powerful but double-edged. Courts grant temporary restraining orders quickly, but if the underlying case does not support continued relief, you have spent credibility with the judge before the real litigation even begins. We tell our clients that an emergency motion is not a shortcut. It is a high-stakes preview of your case presented under time pressure.

That reality shapes everything we do: thorough factual development before filing, precise legal briefing, and candid assessment of whether emergency relief is the right strategic move or

whether a different path better serves the client's long-term position.

Providing Emergency Relief Throughout Massachusetts and Rhode Island

Cohen Cleary handles emergency injunction matters in Massachusetts and Rhode Island state and federal courts, with offices in [Taunton](#) and [Plymouth](#). Our attorneys are familiar with the procedural requirements and scheduling practices of the Superior Court, the Business Litigation Session, and the District Courts throughout southeastern Massachusetts and Bristol, Plymouth, and Norfolk Counties. We also represent clients in Rhode Island Superior Court emergency proceedings, where injunctive relief practice is governed by its own Rules of Civil Procedure and distinct procedural expectations. The firm has the capacity to serve clients across New England for injunctive relief matters.

Contact Cohen Cleary About Your Emergency Motion

If you need emergency court relief or are defending against a TRO or preliminary injunction, contact Cohen Cleary for an immediate consultation. Our litigation team is prepared to act quickly, assess your position candidly, and pursue the strategy that best protects your interests.

Frequently Asked Questions About Emergency Injunctions

What is the difference between a temporary restraining order and a preliminary injunction?

A temporary restraining order is short-term emergency relief, often granted ex parte (without the other side present), designed to preserve the status quo until the court can hold a full hearing. A preliminary injunction follows a contested hearing where both parties present evidence and argument. If granted, a preliminary injunction remains in effect through the duration of the litigation. A permanent injunction is a final remedy issued after trial.

How quickly can a court grant a temporary restraining order in Massachusetts?

In urgent cases, a Massachusetts court can grant a TRO on the same day the application is filed. Ex parte TROs under Rule 65 require a showing of immediate and irreparable injury, loss, or damage. The court will typically schedule a hearing on a preliminary injunction within ten to fourteen days of issuing a TRO, giving the opposing party an opportunity to be heard.

What does “irreparable harm” mean in the context of emergency injunctive relief?

Irreparable harm is an injury that cannot be adequately remedied through money damages after the fact. Courts look for harm that is ongoing, imminent, and not easily quantifiable. Examples include trade secret misappropriation, violation of non-compete agreements where client relationships are being damaged, destruction of evidence, or dissipation of assets. If the harm can be fully compensated with a monetary judgment later, courts are less likely to grant emergency relief.

Can I be required to post a bond if I obtain a TRO or preliminary injunction?

Yes. Massachusetts Rule 65(c) authorizes the court to require the party obtaining injunctive relief to post security in an amount the court considers proper. The bond protects the enjoined party against costs and damages sustained if the injunction is later found to have been wrongfully issued. The amount varies based on the potential harm to the opposing party, and we advise clients on bond exposure before filing.