

a class action is available under the MMA to any arbitrator and from otherwise pursuing arbitral resolution as a class. Plaintiff also asks the Court to enjoin all pending arbitrations involving the TRO Defendants until the Court rules on Plaintiff's pending motion for preliminary injunction.

A court may grant a TRO only when the movant establishes that (1) there is a substantial likelihood that the movant will prevail on the merits; (2) there is a substantial threat that irreparable harm will result if the TRO is not granted; (3) the threatened injury to the movant outweighs the threatened harm to the defendant; and (4) the granting of the TRO will not disserve the public interest. *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987)(citing *Canal Authority of the State of Florida v. Callaway*, 489 F.2d 567 (5th Cir. 1974)).

After review of the pleadings and relevant case law, the Court concludes that Plaintiff has failed to satisfy all of the requirements for a TRO. Specifically, the Court concludes that Plaintiff has not established that it will suffer irreparable harm if the TRO is denied.

Plaintiff argues that, **if** Defendants' arbitrators conclude that class arbitrations are permissible under the MMA, it will have to "defend against class arbitration claims in several proceedings, exposing it to the potential of multiple, inconsistent rulings." Even so, under the case law of this circuit, an injury is irreparable only if it cannot be undone through monetary remedies. *See City of Meridian v. Algernon Blair, Inc.*, 721 F.2d 525, 527 (5th Cir. 1983). By allowing the arbitrations to proceed, Plaintiff, at most, may suffer unfavorable decisions, which may later be challenged through appropriate legal channels. Moreover,

Plaintiff has not come forward with evidence to show that any loss it may incur cannot be measured by money damages.

Because Plaintiff has failed to establish all of the legal requirements for issuing a TRO, Plaintiff's motion for TRO is DENIED.

SIGNED November 15, 2016.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

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