

88 employees, and attorneys, and upon those persons in active concert or participation with them
 89 who receive notice, in person or through counsel, or otherwise, of the order. If a restraining
 90 order is granted without notice to the party restrained, it shall state the reasons justifying the
 91 court's decision to proceed without notice.

92 (e) **Grounds.** A restraining order or preliminary injunction may issue only upon a
 93 showing by the applicant that:

94 (e) (1) there is a substantial likelihood that the applicant will prevail on the merits of
 95 the underlying claim;

96 (e) [(1) The] (2) the applicant will suffer irreparable harm unless the order or
 97 injunction issues;

98 (e) [(2) The] (3) the threatened injury to the applicant outweighs whatever damage the
 99 proposed order or injunction may cause the party restrained or enjoined; and

100 (e) [(3) The] (4) the order or injunction, if issued, would not be adverse to the public
 101 interest[; and].

102 ~~[(e) (4) There is a substantial likelihood that the applicant will prevail on the merits of~~
 103 ~~the underlying claim, or the case presents serious issues on the merits which should be the~~
 104 ~~subject of further litigation.]~~

105 **(f) Motion for reconsideration.**

106 (f) (1) If a court granted a ~~H~~→ **written** ←~~H~~ restraining order or preliminary injunction on
 106a the ~~H~~→ **explicit** ←~~H~~ ground that
 107 the case presented serious issues on the merits which should be the subject of further litigation,
 108 a party restrained by the order or injunction on the effective date of this resolution may move
 109 the court to reconsider whether the order or injunction should remain in effect.

110 (f) (2) A motion for reconsideration under this paragraph (f) may be filed at any time
 111 before the final determination of the case.

112 (f) (3) Upon a motion for reconsideration, the court must determine whether the
 113 issuance of the restraining order or preliminary injunction meets the requirements in paragraph
 114 (e) regardless of the requirements for the issuance of the order or injunction on the day on
 115 which the order or injunction was issued.

116 (f) (4) If the court determines that the issuance of the restraining order or preliminary
 117 injunction does not meet the requirements of paragraph (e), the court must terminate the order
 118 or injunction.