

1st Sub. H.J.R. 2

JOINT RESOLUTION AMENDING RULES OF CIVIL PROCEDURE ON
INJUNCTIONS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

JANUARY 18, 2023 4:32 PM

Representative **Brian S. King** proposes the following amendments:

1. *Page 4, Lines 102 through 118:*

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 restraining order or preliminary injunction on the 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. }~~