

**BLOGS**

Preliminary Injunctions

Connecticut Federal Court Denies Franchisee's Motion for Temporary Restraining Order Following Termination

A federal court in Connecticut denied a franchisee's motion for a temporary restraining order permitting it to operate until the court could hear a preliminary injunction motion. *A.B. Corp. v. Dunkin' Donuts Franchising, LLC*, 2022 WL 17337756 (D. Conn. Nov. 30, 2022).

A federal court in Connecticut denied a franchisee's motion for a temporary restraining order permitting it to operate until the court could hear a preliminary injunction motion. *A.B. Corp. v. Dunkin' Donuts Franchising, LLC*, 2022 WL 17337756 (D. Conn. Nov. 30, 2022). Dunkin' Donuts terminated its franchise agreement with A.B. Corp. after the franchisee failed three operations inspections. Following termination, Dunkin' denied A.B. access to its online customer ordering platform, but A.B. otherwise continued to operate as a Dunkin' franchisee. A.B. sued Dunkin' to challenge the termination, moved for a preliminary injunction, and moved for a TRO until the preliminary injunction could be heard. Each of A.B.'s requests for preliminary relief would have the court restore the franchise agreement and A.B.'s access to the ordering platform during the pendency of the case. In support of its TRO motion, A.B. submitted an affidavit stating that A.B. could be driven out of business if the TRO were not granted.

The court denied the motion, holding that A.B. had failed to produce evidence sufficient to establish that it would suffer financial ruin or other irreparable harm in the one-month period between the time that it filed its motion and a scheduled preliminary injunction hearing. The court found the conclusory statements in the affidavit proffered by A.B. insufficient to establish irreparable harm, particularly given that A.B. continued to operate its restaurant. Furthermore, the court held that although A.B. had demonstrated some likelihood of success on the merits of its claim that Dunkin' had violated the pre-termination notice requirement of the Connecticut Franchise Act, any harm arising from such a violation could be remedied through monetary damages and thus was not irreparable.

Related People

Justin L. Sallis

Partner

Washington, D.C.

202.295.2223

justin.sallis@lathropgpm.com**Rachel L. O'Connor**

Counsel

Minneapolis

612.632.3317

rachel.oconnor@lathropgpm.com

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