NEW JERSEY ORDER TO SHOW CAUSE – EQUAL SHAREHOLDER

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To provide you with a better understanding of what an Order to Show Cause looks like and how injunctive relief comes into play, I have included a redacted version of actual Orders to Show Cause that I have filed in the course of litigation. Please keep in mind that an Order to Show Cause is not a generic document and that the content of your Order to Show Cause (if one is required) must be prepared by your attorney and must be specific to the facts of your case and the relief appropriate for your case.

In the exhibited example, I have redacted all client and business information. I have further revised the exhibited examples to remove specific injunctive relief that could be used to identify the business of my client or my client's identification. So, please understand that he sample documents are not provided to you in their complete form. Do not use or copy these documents and always refer to your attorney for the preparation of legal documents. Not every application for injunctive relief is successful, but, if properly structured and planned, even an unsuccessful Order to Show Cause may present numerous benefits to your case.

After you review the example, consider the following questions for your attorney:

1. Whether or not injunctive relief is an option for your case?
2. What types of injunctive relief would benefit your business?
3. What types of injunctive relief would benefit your personal interests?
4. What is the likelihood of successfully obtaining an injunction?
5. What is the best course of action for obtaining an injunction?
6. Can you benefit from the Order to Show Cause even if a court denies your application for injunctive relief?

Example:

New Jersey Order to Show Cause: Equal Shareholder.

This redacted Order to Show Cause was filed in New Jersey State Court, Chancery Division on behalf of our client who was an equal fifty (50%) percent shareholder. Our client was actually sued by his/her partner after our client was locked out of her own company. In the lawsuit we filed counterclaims and derivative claims. The nature and basis for relief related to reversing a complete lockout and diversion of corporate assets and opportunities.

Attorneys for Defendant / Third-Party Plaintiff

_____

[Plaintiffs Names]	: SUPERIOR COURT OF NEW JERSEY
Plaintiffs,	: _____ COUNTY
	:
v.	: CIVIL ACTION
	:
[Defendants Names]	: CHANCERY DIVISION
Defendants,	:
_____	:
	:
[Defendant Name and Now Third Party Plaintiff]	:
	:
Third- Party Plaintiff,	:
v.	:
[Plaintiff Name and now Third Party Defendant]	:
	:
Third-Party Defendant,	:
_____	:

ORDER TO SHOW CAUSE SEEKING TEMPORARY RESTRAINTS
(NO EX PARTE RELIEF)

THIS MATTER having been opened to the Court on application of the defendant / third-party plaintiff [Defendant Now Third Party Plaintiff Name] for injunctive relief pursuant to R. 4:52-1 based upon the facts set forth in the Certification of _____, sworn to on the 31st day of December 2010, the Verified Answer and Counterclaims and the legal argument set forth in the supporting Memorandum of Law, and the Court having considered these papers and determined that this matter may be commenced by Order to Show Cause pursuant to R. 4:52-1 and for good cause shown,

IT IS on this _____ day of _____, 20_____

ORDERED that plaintiff / third-party defendant _____shall appear before the Honorable [JUDGE'S NAME] , Superior Court of New Jersey, Chancery Division, _____ County at the Courthouse in _____, New Jersey at _____ am pm , or as soon thereafter as counsel may be heard, on the _____ day of _____, 20_____, to show cause why an Order should not issue to:

      (a) Enjoin   and   restrain   the   plaintiff   _____   from   interfering   with

_____'s full and unfettered access to all business records and accounts of the [XYZ Corp], including but not limited to, client files and records, billing records and invoices, collection records, account statements, computer records, computer hardware, computer software, telephone numbers and/or lines, email accounts, website and servers of the [XYZ Corp]

(b) Appoint a custodial receiver and/or fiscal agent to oversee the [XYZ Corp]: (i) bank accounts, including receipts to and distributions by the [XYZ Corp], (ii) [computer] system, (iii) client files and records and (iv) website and mail accounts, and to conduct an accounting of the [XYZ Corp]'s books and records from January 2005 to present;

(c) Enjoin and restrain plaintiff _____ from hiring and/or discharging employees and/or independent contractors of the [XYZ Corp];

(d) Order that the plaintiff _____ retroactively reinstate _____'s family health insurance plan and that plaintiff _____ be enjoined from cancelling, modifying or in any way altering _____'s family health insurance plan;

(e) Enjoin and restrain plaintiff _____ from utilizing any funds of the [XYZ Corp] except those necessary for the day-to-day operations of the [XYZ Corp] in connection with the appointment of the custodial receiver and/or fiscal agent, the prosecution of the claims set forth in this lawsuit, and other fees and expenses as directed or appointed by the Court appointed custodial receiver and/or fiscal agent;

(f) Enjoin and restrain plaintiff _____ from withdrawing any funds from any account owned and/or maintained by the [XYZ Corp] or maintained on behalf of the [XYZ Corp] without the written consent of _____ and or the Court appointed custodial receiver and/or fiscal agent;

(g) Enjoin and restrain plaintiff _____ from contacting any clients of the [XYZ Corp] for any purpose not related to the ordinary day to day business of the [XYZ Corp] in regard to the rendering of market research service;

(h) Enjoin and restrain plaintiff _____ from removing files, computers, monies or assets from the office(s) and/or bank accounts of the [XYZ Corp]; and

(i) Order that plaintiff _____ reinstate the original website containing

information about _____; and it is

FURTHER ORDERED that plaintiff _____ shall file and serve any opposition to defendant _____'s application by _____; and defendant _____ shall file and serve reply papers by _____; and it is

FURTHER ORDERED that plaintiff _____ have the right to seek dissolution or modification of this restraint on two (2) days' notice; and it is

FURTHER ORDERED that a copy of this Order and all supporting papers, together with a copy of the Verified Answer and Counterclaims be served upon the Plaintiffs or their representatives within _____ days of the date hereof, as set forth herein, and in accordance with R. 4:4-3 and R. 4:4-4, this being original process; and it is

FURTHER ORDERED that Proof of Service upon Plaintiffs be filed with the Court no later than three (3) days before the return date, as set forth above.

_____
Honorable [Judge's Name] , P.J.Ch.