

Overview of Injunctions in Alaska

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Injunctions are court orders that an act be done or not be done. To obtain an injunction, an applicant must show harm will occur if the adverse party is not enjoined. Generally this means an applicant will be significantly hurt and monetary compensation will not protect the applicant. An applicant must also provide a security to cover an adverse party's costs and damages in case that party is wrongfully enjoined. The State, municipalities, and their officers and agencies are not required to provide securities.

Type of Injunction	Description & Standard to Obtain	Security	Duration
Temporary Restraining Order (TRO)	<i>Description:</i> TROs are generally issued to prevent irreparable harm prior to a preliminary injunction hearing. Due to the very short timeframe for these hearings, the adverse party frequently may not receive notice of the hearing before it occurs. <i>Standard:</i> An applicant must make the same showing as for a preliminary injunction (see below). If an adverse party does not receive notice of the hearing, an applicant must also show: (1) specific facts that the applicant will face immediate and irreparable harm before an adverse party can be heard in opposition; and (2) certification by the applicant's attorney of any attempts to give notice and the reasons why notice should not be required.	An applicant must provide security, and the court determines the amount.	No more than 10 days.
Preliminary Injunction	<i>Description:</i> Preliminary injunctions are issued to maintain the status quo and prevent harm pending trial and a decision on the merits of a case. <i>Standard:</i> There are two ways an applicant may receive a preliminary injunction. An applicant shows that: (1) the applicant faces irreparable harm; (2) the adverse party is adequately protected, such as by a bond or because any injury to the adverse party would be slight compared to the applicant's injury; and (3) the applicant raises serious and substantial issues on the merits of the case, <i>i.e.</i>, the issues are not frivolous or obviously without merit. Alternatively, if an applicant cannot show either (1) or (2) above, the applicant must meet a heightened standard showing probable success on the merits of the case.	An applicant must provide security, and the court determines the amount.	Until the court issues a final decision or other order.
Permanent Injunction	<i>Description:</i> Permanent injunctions are issued after a trial or proceeding on the merits of a case and are part of the court's judgment. <i>Standard:</i> The court makes a legal determination that the activity at issue can or cannot be engaged in.		Duration is determined by the court.