

**IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

CASE NUMBER: 01-2025-CA-002751

Circuit Civil Division J

**MELANIE BARR,
Plaintiff,**

-vs-

**CITY OF GAINESVILLE, A FLORIDA MUNICIPAL CORPORATION,
Defendant.**

**ORDER DENYING VERIFIED EMERGENCY PETITION FOR TEMPORARY
RESTRAINING ORDER AND MOTION FOR STAY**

THIS CAUSE came before the Court for review upon the Motion for Verified Emergency Petition for Temporary Restraining Order and Motion for Stay filed by Plaintiff on Sept. 12, 2025, and the Court having reviewed the specifics of said motion, finds as follows:

1. Petitioner seeks a restraining order against the Defendant to prevent the Thelma Boltin Center from being demolished.
2. To warrant a preliminary injunction, Plaintiff must establish: (1) the likelihood of irreparable harm, (2) no adequate remedy at law, (3) a substantial likelihood of success on the merits, and (4) the injunction would serve the public interest. *SunTrust Banks, Inc. v. Cauthon & McGuigan, PLC*, 78 So. 3d 709, 711 (Fla. 1st DCA 2012).
3. A temporary injunction is a drastic remedy that should be granted sparingly. *City of Jacksonville V. Naegele Outdoor Advertising Co.*, 634 So. 2d 750, 752 (Fla. 1st DCA 1994)(quoting *Thompson v. Planning Com'n of City of Jacksonville*, 464 So. 2d 1231, 1236 (Fla. 1st DCA 1985)).
4. Prior to issuing a temporary injunction, a trial court must be certain that the petition or other pleadings demonstrate a prima facie, clear legal right to the relief requested. *Naegele at 753* (quoting *Oxford International Bank and Trust, Ltd. v. Merrill, Lynch, Pierce, Fenner & Smith, Inc.*, 374 So.2d 54 (Fla. 3rd DCA 1979), *cert. dismissed*, 383 So.2d 1199 (Fla.1980).
5. An “application for temporary injunction is insufficient ... [if] it fails to set forth clearly, definitely and unequivocally sufficient factual allegations to support ... [the] conclusion of ‘irreparable damage’ necessary to warrant intervention of a court of equity.” *Swensen v. Lofton*, 457 So.2d 1069, 1070 (Fla. 2d DCA 1984) .
6. The Petition lacks sufficient factual allegations necessary to establish any of the four conclusions

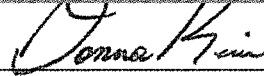
the Court must make to justify entry of a preliminary injunction. The Petitioner's unsupported assertions and conclusory statements as to lack of notice in violation of the City's "procedural requirements," the historical significance of the building, the inadequacy of legal remedies, or that the requested injunction serves the public interest are wholly insufficient to meet the high burden required to allow the Court to grant injunctive relief.

7. In addition, the Plaintiff's affidavit is legally insufficient in that it is not based upon personal knowledge but only avers that the allegations within the Petition are made "to the best of my knowledge and belief."
8. Finally, the Petition also fails to set forth efforts made to give prior notice to the City of Gainesville or the reasons why notice should not be required.

It is therefore **ORDERED AND ADJUDGED** that the aforesaid motion is hereby **DENIED**.

DONE AND ORDERED on Saturday, September 13, 2025.

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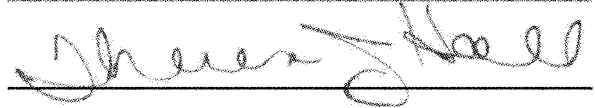
Donna M. Keim, Circuit Judge
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Saturday, September 13, 2025 to the following:

MELANIE BARR	CITY OF GAINESVILLE, A FLORIDA MUNICIPAL
216 NE 5TH STREET	CORPORATO
GAINESVILLE, FL 32601	C/O HARVEY WARD, MAYOR
	200 E UNIVERSITY AVE
	GAINESVILLE, FL 32601

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A handwritten signature in black ink, appearing to read "Theresa Hall", is written over a horizontal line.

Theresa Hall, Judicial Assistant
01-2025-CA-002751 09/13/2025 11:51:50 AM