

FORM 13
BOND WITH COLLATERAL FOR
TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

United States Court of Federal Claims

_____,
Plaintiff,

No. _____

v.

THE UNITED STATES,
Defendant.

BOND WITH COLLATERAL FOR
TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

Recitals

1. The above-named plaintiff(s) has commenced an action in the above-entitled court against the defendant and has made application to the court for a Temporary Restraining Order or Preliminary Injunction against the defendant, enjoining and restraining the defendant, as well as the defendant's agents or employees, from the commission of certain acts, particularly set forth and described in the complaint, and

2. The plaintiff(s) desires to give an undertaking in an amount deemed proper by the court, that is, \$_____, to secure the payment of any costs and damages, including reasonable attorney's fees to be fixed by the court that may be incurred or suffered by the defendant if the restraining order or preliminary injunction should prove to have been improvidently issued.

Promise to Pay

The undersigned surety (jointly and severally if more than one) obligates itself to the defendant as provided in Rules 65 and 65.1 of the Rules of the United States Court of Federal Claims, in the sum of \$_____ on the condition that if the defendant ultimately prevails in

this action and suffers damages on account of the Temporary Restraining Order or preliminary injunction, they will pay those damages up to and including the maximum amount of this Bond if the court determines that the Temporary Restraining Order or Preliminary Injunction was improperly or improvidently granted, or the defendant was improperly or wrongfully restrained by that Order. The undersigned stipulates that the damages may be ascertained in such manner as the court shall direct, and that, on dissolving the injunction, the court may give judgment thereon against the plaintiff for said damages in the order dissolving the injunction, or in a further order after ascertainment of the amount of said damages.

The above-named plaintiff(s) as security for the bond, hereby deposits with the clerk of said court, the sum of _____ dollars (\$_____) (either cash or certified check made payable to the U.S. Treasury)¹, which sum may be utilized in payment of any damages which by court order may be levied against the plaintiff in this action.

DATED: _____, 20__

By: _____ [SEAL]

_____ [SEAL]

(Plaintiffs)

APPROVED: _____, 20__

_____, Clerk, U.S. Court of Federal Claims

¹Marketable public securities of the U.S. payable to the bearer may also be utilized as collateral, but the bond must be accompanied by the appropriate power of attorney.