

## **INJUNCTIONS FACT SHEET**

### **What is an injunction?**

An injunction is a court order that makes someone (including a company) do something or orders them not to do something. Often, that something has to do with a contract but it can be something entirely different. So, a court may order that a company deliver the goods it has contracted to deliver or it may order that a property owner stop building works on their land that are threatening the stability of a neighbouring property. Or a court may order a former employee to stop poaching their former employer's clients in breach of a restrictive covenant and to hand over the confidential client list they have stolen.

### **Why would my business or I ever need one?**

In a lot of court cases the claimant will sue for money. It may be a sum owed under contract or compensation for an injury caused or a loss suffered as a result of a breach of a contract. But those kinds of cases are always backwards looking – the injury or the breach of contract has already happened. An injunction offers the opportunity to stop the harm before it happens, as money compensation isn't always enough to cure everything afterwards. If the reputation of your business is harmed, it will be almost impossible to ascertain the true extent of the loss it may suffer and then to put a money value on it.

### **How long does it take?**

There are temporary (or 'interim') injunctions and there are final ones. Final injunctions usually come at the end of a trial when the judge has heard everything each side wants to say. There will usually also have been exchanges of witness statements and then later live witness testimony and cross-examination. That is not an especially fast process. But it is possible to get an interim injunction in a much shorter time. An interim injunction has effect only until the court can reconsider the matter at trial and decide whether to make the interim order final or to discharge it. It usually takes a few weeks to get an interim injunction but if the circumstances are really urgent enough to warrant it, an order can be made within days or even hours.

### **What do I have to do to get an interim injunction order from a court?**

You need a strong case. You need to show that money is not sufficient to address the wrong that will be done to you if the injunction is not granted. And that it will cause greater harm to you if the order is not made than will likely be caused to the party you want the court to make the order against if later on and after fuller consideration of the evidence at trial the court decides that, with hindsight, the interim order should not have been granted. You also need to show that you will be able to compensate that party for their loss in those circumstances.

### **Does there always have to be a trial?**

The process is designed to end in a trial. But our experience is that in many cases where the claimant has a very strong case, the matter settles well in advance of trial. And if an interim injunction has been granted, that often increases the chance of early settlement.

**What happens if someone disobeys the injunction?**

If the injunction order has been properly made and correctly served on someone, they can be imprisoned, fined or have their assets seized if they disobey the order and are later held to be in contempt of court for that reason. The same applies to directors of companies that disobey an injunction order made against their company.

**Who can assist me to get an injunction?**

Longmores' commercial litigation team have extensive experience of all kind of injunctions and are able to advise in almost any situation that might affect you or your business. Please call **John Wiblin** at 01992 300333.