

Chapter 32

1977 REPLACEMENT PART

Injunctions

- | | |
|--|---|
| <p>32.010 Injunction defined</p> <p>32.020 Time when and by whom preliminary injunction allowed; undertaking; waiver; when undertaking not required</p> <p>32.030 Filing undertaking and affidavit; service and filing of order</p> <p>32.040 Grounds for preliminary injunction</p> | <p>32.050 Notice; order to show cause; temporary restraint</p> <p>32.060 Vacation or modification of preliminary injunction that was granted without notice</p> |
|--|---|

CROSS REFERENCES

- | | |
|--|---|
| <p>Obstructions in navigable waters, authority of State Marine Board to enjoin, 488 830</p> <p>Violations of ORS chapter 701, authority of Builders Board to enjoin, 701 135</p> <p style="text-align: center;">32.010</p> <p>Disobedience of injunction is punishable as contempt, 33 010</p> <p style="text-align: center;">32.020</p> <p>Corporations may be enjoined by shareholders, when, 57.040</p> <p>Deposits in lieu of bond, Ch 22</p> <p>Injunctive relief, sought in petitions to review public records, 192 450 to 192 480</p> | <p>Inspection of public records proceedings, 192 450</p> <p>Insurance Commissioner not required to give bond in proceeding to enjoin delinquent insurer, 734 410</p> <p>Polygraph equipment, unapproved, enjoining use, 703 310</p> <p>Power of county judge to grant injunction, generally, Const Art VII (O), §13</p> <p>Power of county judge to grant injunction in suit in circuit court, 5 030</p> <p>Savings association, unsound management practices, 722 464</p> <p>State, counties and cities not required to furnish bond, 22 010</p> <p>Unlawful practice of psychology may be enjoined, 675 150</p> |
|--|---|

tic
to
al
de
de
de
ce

pi
in
qu
th
th
de
co
u
ef
m
ar
th
of
w

th
of
ir
st

th

e

e
j

h
t
l

d
u
v
s
p
t
p
c
u
a
a
a

32.010 Injunction defined. An injunction is an order requiring a defendant in a suit to refrain from a particular act; it is only allowed as a provisional remedy, and when a decree is given enjoining a defendant, such decree shall be effectual and binding on such defendant without other proceeding or process

32.020 Time when and by whom preliminary injunction allowed; undertaking; waiver; when undertaking not required. (1) An injunction may be allowed by the court, or judge thereof, at any time after the commencement of the suit and before decree. Before allowing the injunction, the court or judge shall require of the plaintiff an undertaking, with one or more sureties, to the effect that he will pay all costs and disbursements that may be decreed to the defendant, and such damages, not exceeding an amount therein specified, as he may sustain by reason of the injunction if the same be wrongful or without sufficient cause.

(2) The court may waive, reduce or limit the undertaking provided for in subsection (1) of this section upon a showing of good cause, including indigency, and on such terms as shall be just and equitable.

(3) No undertaking will be required under this section where an injunction is sought to.

(a) Protect a person from violent or threatening behavior; or

(b) Prevent unlawful conduct when the effect of the injunction is to restrict the enjoined party to available judicial remedies.

(4) The liability of the surety shall be limited to the amount specified in the undertaking

[Amended by 1977 c 416 §3]

32.030 Filing undertaking and affidavit; service and filing of order. The undertaking and affidavits, if any, upon which the injunction is allowed, shall be filed with the clerk. The order may be served as a summons and returned to the clerk, with the proof of service indorsed thereon, except that the service shall be made upon the defendant personally. The order may be filed with the clerk at once, and shall be deemed to be served upon the defendant from the date of its allowance, if it appears therefrom that the defendant appeared before the court or judge at the allowance thereof.

32.040 Grounds for preliminary injunction. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists of restraining the commission or continuance of some act, the commission or continuance of which during the litigation would produce injury to the plaintiff; or when it appears by affidavit that the defendant is doing, or threatens or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights concerning the subject of the suit, and tending to render the decree ineffectual; or when it appears by affidavit that the defendant threatens or is about to remove or dispose of his property, or any part thereof, with intent to delay or defraud his creditors, an injunction may be allowed to restrain such act, removal, or disposition.

32.050 Notice; order to show cause; temporary restraint. An injunction shall not be allowed after the defendant has answered, except upon notice, but in such case the defendant may be restrained until the decision of the court or judge allowing or refusing the injunction; and before answer, if the court or judge deems it proper that the defendant should be heard before allowing an injunction, an order may be made requiring the defendant to show cause, at a specified time and place, why the injunction should not be allowed; and in the meantime the defendant may be restrained.

32.060 Vacation or modification of preliminary injunction that was granted without notice. If the injunction is allowed without notice, the defendant may, at any time before trial, upon notice, apply to the court or judge thereof, to vacate or modify the injunction. The application may be made upon affidavits and the plaintiff may oppose the same by affidavits, or other evidence, in addition to those upon which the injunction was allowed. If, upon the hearing of the motion, it satisfactorily appears that the injunction should not have been allowed, either in whole or in part, it shall be vacated or modified accordingly.

