

EXHIBIT B

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERAL TRADE COMMISSION,
Plaintiff,
v.
META PLATFORMS INC., et al.,
Defendants.

Case No. 22-cv-04325-EJD

**ORDER ON PLAINTIFF’S
EMERGENCY MOTION FOR
EXTENSION OF TEMPORARY
RESTRAINING ORDER**

Re: ECF No. 543

FILED UNDER SEAL

On January 31, 2023, Plaintiff FTC filed an emergency motion requesting an extension of the temporary restraining order (“TRO,” ECF No. 508) enjoining the proposed acquisition (the “Acquisition”) of Within Unlimited, Inc. by Meta Platforms Inc. (together, “Defendants”) if the Court either (1) was not prepared to rule on Plaintiff’s motion for a preliminary injunction (“PI Motion”) until after January 31, 2023 or (2) denied the PI Motion. ECF No. 543 (“Emergency Motion”). If the TRO is not extended, it will expire at 11:59 p.m. Pacific Time on January 31, 2023. ECF No. 543-1 (“Dennis Decl.”) ¶¶ 3–4.

Under Federal Rule of Civil Procedure 65, a temporary restraining order expires at the time set by the court unless “before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension.” Fed. R. Civ. P. 65(b)(2). The reasons for an extension must be entered in the record. *Id.* Further, a court may issue a temporary restraining order without written or oral notice to the adverse party or its counsel only if both (1) specific facts in an affidavit clearly show that “immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition” and (2) counsel for the movant

United States District Court
Northern District of California

1 “certifies in writing any efforts made to give notice and the reasons why it should not be required.”
2 Fed. R. Civ. P. (b)(1).

3 Having considered the Emergency Motion and the accompanying Declaration of Abby L.
4 Dennis, the Court finds as follows:


- 5 1. Plaintiff has sought Defendants’ consent for an extension of the TRO, but
- 6 has not yet met and conferred with Defendants, Dennis Decl. ¶ 6;
- 7 2. Defendants therefore have not consented to an extension of the TRO;
- 8 3. Without an extension of the TRO, Defendants will be able to consummate
- 9 the Acquisition after 11:59 p.m. Pacific Time on January 31, 2023, Dennis Decl. ¶ 4;
- 10 4. Consummation of the Acquisition will irreparably harm the FTC’s ability to
- 11 obtain effective relief for the public at the conclusion of any further proceedings, Dennis
- 12 Decl. ¶ 5; and
- 13 5. Defendants will suffer no or little harm from a brief extension of the TRO.

14 **GOOD CAUSE** having been shown, the Court **ORDERS** as follows:

- 15 1. Plaintiff’s Emergency Motion is **GRANTED**;
- 16 2. Plaintiff and Defendants will appear by Zoom on February 7, 2023, at 10:00
- 17 a.m. Pacific Time for a hearing on the status of the TRO; and
- 18 3. Defendants are hereby enjoined and restrained from consummating the
- 19 Acquisition, or otherwise effecting a combination of Defendants’ operations until after
- 20 11:59 p.m. Pacific Time on February 7, 2023.

21 **IT IS SO ORDERED.**

22 Dated: January 31, 2023

23 
 24 _____
 25 EDWARD J. DAVILA
 26 United States District Judge