

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

CRITICAL EDGE INC.,

Plaintiff,

v.

LADONNA MASON,

Defendant.

Civil Action No.

2:23-cv-243-RWS

ORDER

This case comes before the Court following a second hearing held on Plaintiff Critical Edge Inc.’s (“Plaintiff”) Emergency Motion for a Temporary Restraining Order and Preliminary Injunction (“Motion”) [Dkt. 2]. On November 8, 2023, the Court held an *ex parte* hearing on Plaintiff’s Motion. The following day, the Court entered a temporary restraining order (“TRO”) requiring Defendant Ladonna Mason (“Mason”) to comply with certain directives designed to prevent further misappropriation of Plaintiff’s trade secrets and sensitive employee information. [Dkt. 8]. On November 15, 2023, the Court held a second hearing to determine whether to convert the TRO into a preliminary injunction (the “November 15 hearing”). Defendant received notice of the hearing but did not

attend. For the following reasons, the Court **GRANTS** Plaintiff’s Motion and converts the TRO into a preliminary injunction.

“The standard for obtaining a temporary restraining order . . . is identical to that of obtaining a preliminary injunction.” Martin v. Kemp, 341 F. Supp. 3d 1326, 1332 (N.D. Ga. 2018) (citing Windsor v. United States, 379 F. App’x 912, 916–17 (11th Cir. 2010)). Therefore, to convert the TRO into a preliminary injunction, Plaintiff, as the moving party, must establish that (1) “it has [a] substantial likelihood of success on the merits” of its claims; (2) it will suffer irreparable injury if the injunctive relief sought is not granted; (3) the threatened injury outweighs the harm the relief may inflict on the non-moving party; and (4) entry of relief “would not be adverse to the public interest.” KH Outdoor, LLC v. City of Trussville, 458 F.3d 1261, 1268 (11th Cir. 2006).

As set forth in the Court’s initial order granting the TRO, the Court found that Plaintiff satisfied its burden of establishing its entitlement to the *ex parte* TRO. [See generally Dkt. 8]. In other words, the Court found that Plaintiff established that (1) it has a substantial likelihood of succeeding on the merits of its claims for misappropriation of trade secrets (under federal and Georgia law), tortious interference, violations of the Georgia Computer Systems Protections Act, and conversion; (2) it will suffer irreparable injury if the TRO (and thus a preliminary

injunction) were not granted; (3) the threatened injury outweighs the harm a TRO (or preliminary injunction) may inflict on Mason, and (4) the entry of a TRO (or preliminary injunction) would not be adverse to the public interest. [*Id.* at 2–5]. Mason did not file an opposition to Plaintiff’s Motion prior to the November 15 hearing. Moreover, the docket does not verify whether Mason fully complied with the obligations imposed by that TRO.¹ Therefore, for the reasons stated in the Court’s initial order granting the TRO and for good cause shown at the November 15 hearing, the Court finds that Plaintiff has likewise satisfied its burden of establishing entitlement to a preliminary injunction.

Accordingly, the Court **GRANTS** Plaintiff’s Motion, converts the TRO into a preliminary injunction, and continues the relief provided by the TRO. The Court further **ORDERS** Mason to **IMMEDIATELY** satisfy the obligations imposed by the TRO, which the Court repeats below:

1. Mason is enjoined and prohibited from using, accessing, deleting, or disclosing any of Plaintiff’s confidential, proprietary, and trade secret information.
2. Mason shall return to Plaintiff all confidential, proprietary, and/or

¹ The Court acknowledges that, prior to the second *ex parte* hearing, Mason submitted to the Court a document that purports to be a declaration establishing Mason’s compliance with the directives set out in the TRO. [*See* Dkt. 8, at ¶ 4]. That document, however, does not satisfy the criteria required to constitute a proper sworn declaration.

trade secret information belonging to Plaintiff (paper or electronic) that is still within her possession, custody, or control. Mason is to coordinate the return of this information with Plaintiff's counsel, Taylor English Duma LLP, located at 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339.

3. Mason shall return to Plaintiff the company-issued laptop computer in her possession, custody, or control. Mason is ordered to return this property to Plaintiff's counsel, Taylor English Duma LLP, located at 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339.

4. Mason shall set forth in a sworn declaration that she has identified and returned, and will not make any further disclosures of, all of Plaintiff's confidential information and trade secrets in her possession; and she shall further identify with specificity the names of the individuals or entities (governmental or private) to whom she has made any disclosures of such information.

Finally, pursuant to Federal Rule of Civil Procedure 65(c), the Court has considered whether and in what amount Plaintiff should be required to give security to pay the costs and damages sustained by any party found to have been wrongly enjoined or restrained by this preliminary injunction. In light of the facts alleged in Plaintiff's Verified Complaint for Injunctive Relief and Damages, [Dkt. 1], and for good cause shown at the November 15 hearing, the Court finds

and **ORDERS** that no security is necessary.

SO ORDERED this 15th day of November, 2023.

A handwritten signature in black ink, appearing to read "Richard W. Story". The signature is written in a cursive style with a horizontal line underneath it.

RICHARD W. STORY
United States District Judge