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Harris Const. Co., Inc. v. Tulare Local Healthcare Dist.

United States District Court, E.D. California - December 13, 2013 - Slip Copy - 2013 WL 6576034

Plaintiff Harris Construction Co., Inc. was the general contractor for the Tower 1 Expansion Project for Tulare Regional Medical Center ("TRMC").

Harris sought an injunctive order to stop or suspend its continuing construction on the project and to stop draws on the general obligation bond funds for the project. Harris contended that TRMC was insolvent, wrongfully withheld \$9,666,430 owed to Harris and its subcontractors, and compelled Harris to perform significant project work without compensation, all of which warranted the requested injunctive relief.

The District Court concluded that Harris sought unworkable injunctive relief.

"In essence, Harris seeks this Court's order to preclude its continuing work on the project. Harris does not need this Court's order or permission to refrain from working on the project. Harris may seek to enforce its contract and other rights without this Court's order to stop project construction. If this Court were to order construction stoppage, it would effectively find that defendants committed contract breaches and that, by stopping work, Harris would not be in breach. In addition, Harris' requested relief would preclude removal of further bond funds without this Court's approval. This Court is unable to monitor constantly project construction and financing as Harris seeks. This Court is not, and cannot be, an account manager for the project."