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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Renee M. Zinni and Marco S. D'Alonzo, a)
married couple,

No. CV 11-02143-PHX-FJM

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Plaintiffs,

ORDER

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vs.

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Jackson White, P.C., James L. Tanner,
Scott L. Potter, Aaron M. Finter, Anthony
H. Misseldine, and John Does 1-10 and
ABC Entities 1-10,

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Defendants.

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We have before us plaintiffs' motion for preliminary injunction (doc. 14), defendants' response (doc. 19), and plaintiffs' reply (doc. 20). The defendants also filed a notice that the trustee's sale which is the subject of this motion has been postponed until January 5, 2012 (doc. 21).

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"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20, 129 S. Ct. 365, 374 (2008). We

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previously granted summary judgment to the plaintiffs' lender and denied plaintiffs' motion for protective order to cancel a trustee's sale in Zinni v. M&I Marshall & Ilsley Bank, CV-09-2035-PHX-FJM (doc. 110). Their current action against the bank's law firm and attorneys

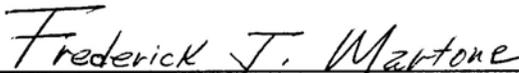
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1 involves the same facts. Plaintiffs cannot show a likelihood of success on the merits. In
2 addition, defendants allege that plaintiffs have not made a mortgage payment since October
3 2009 and plaintiffs do not dispute this fact. The balance of equities does not tip in favor of
4 the plaintiffs. They have no right to live at the property rent- and mortgage-free.

5 **IT IS ORDERED DENYING** plaintiffs' motion for preliminary injunction (doc. 14).

6 DATED this 13th day of December, 2011.

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10 Frederick J. Martone
11 United States District Judge
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