

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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**CIVIL MINUTES - GENERAL**

**JS-6**

Case No. CV 11-10633 CAS (CWx) Date May 8, 2012

Title MARVIN E. LINARES, ET AL. v. FIRST MORTGAGE CORPORATION, ET AL.

Present: The Honorable CHRISTINA A. SNYDER

CATHERINE JEANG

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers:) **ORDER DENYING APPLICATION FOR TEMPORARY RESTRAINING ORDER AND REMANDING CASE** (filed 5/8/2012)

## I. INTRODUCTION

Plaintiffs Marvin E. Linares and Ana R. Linares, proceeding *pro se*, filed the instant action in Los Angeles County Superior Court on November 4, 2011, seeking to prevent the foreclosure sale of their home located at 1134 W. 61st Street, Los Angeles, CA, 90044. Among the 29 claims pled in the complaint, plaintiffs asserted three federal claims for: (1) violation of the Truth in Lending Act, 15 U.S.C. § 1601 (“TILA”); (2) violation of the Real Estate Settlement and Procedures Act, 12 U.S.C. § 2601 (“RESPA”), and (3) violation of the Fair Credit Reporting Act/Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681 (“FACTA”). The action was removed to this Court on December 22, 2011, on the basis of federal question jurisdiction.

By order dated February 6, 2012, the Court granted defendants’ Quality Loan Service Corporation (“Quality Loan”), First Mortgage Corporation (“First Mortgage”), Mortgage Electronic Registration Systems, Inc. (“MERS”), and Hacienda Service Corporation (“Hacienda”) motion to dismiss plaintiffs’ TILA claim with prejudice and plaintiffs’ RESPA and FACTA claims without prejudice. The Court declined to exercise supplemental jurisdiction over the remaining 26 state law claims. The Court ordered the parties to mediation and enjoined defendants from conducting a foreclosure sale for ninety (90) days from the previously scheduled sale of February 8, 2012.

