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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

MARSHA KILGORE,)	1:12-CV- 899 AWI SMS
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF
)	UNTIL AUGUST 17, 2012 TO FILE AN
)	AMENDED COMPLAINT
v.)	
)	ORDER RESTRAINING ANY
)	FORECLOSURE SALE UNTIL
WELLS FARGO HOME MORTGAGE,)	AUGUST 20, 2012
REGIONAL TRUSTEE SERVICES)	
CORPORATION, EMMITT LEWIS)	
FRED LACKER,)	
)	
Defendants.)	

On May 14, 2012, Plaintiff filed a complaint for damages in the Superior Court for the State of California, County of Fresno. The complaint concerns a loan and deed of trust against property located at 728 East Magill Avenue, Fresno, California 93710 (“the Property). Among other causes of action, the complaint contains causes of action for wrongful foreclosure, violations of the Truth in Lending Act, Violations of the Real Estate Settlement Procedures Act, Fraud, and Breach of Contract.

Because the complaint raised causes of action brought under federal law, on May 31, 2012, Defendant Wells Fargo Home Mortgage (“Defendant Wells Fargo”) removed this action to this court.

On June 14, 2012, Defendant Wells Fargo filed a motion to dismiss the complaint. Defendant Wells Fargo contends that all of the complaint’s causes of action are barred by the

1 statute of limitations.

2 On July 31, 2012, the court granted Defendants' motion to dismiss, dismissed the
3 complaint, and ordered Plaintiff to file an amended complaint that alleged tolling of the relevant
4 statute of limitations with ten days. In the interests of justice, the court continued the temporary
5 restraining order for ten more days.

6 On August 7, 2012, Plaintiff filed a request for additional time in which to file an
7 amended complaint and request to extend the preliminary injunction. Plaintiff states she needs
8 an extra week to confirm her federal claim is adequately plead.

9 On August 8, 2012, Defendants filed an objection to any request to extend the preliminary
10 injunction. While Defendants do not oppose granting Plaintiff additional time in which to file
11 an amended complaint, Defendants request no more continuances of the preliminary injunction.

12 For good cause showing, the court ORDERS that:

- 13 1. Any amended complaint containing federal claims SHALL BE FILED by 3:00
14 p.m. on August 17, 2012; and
- 15 2. In the interests of justice, Defendants are RESTRAINED from proceeding with
16 the Trustee Sale until 5:00 p.m. on August 20, 2012.

17 IT IS SO ORDERED.

18 Dated: August 10, 2012

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21 CHIEF UNITED STATES DISTRICT JUDGE
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