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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEFF NIELSON,

Plaintiff,

v.

**LAWRENCE BEAVER, PAUL
CARROLL, CARROLLTON
MORTGAGE CO, Does 1 to 10,**

Defendants.

1:13-cv-1977 AWI GSA

**NOTICE OF RECEIPT OF APPLICATION
FOR TEMPORARY RESTRAINING ORDER
AND ORDERS CONCERNING FURTHER
BRIEFING**

This is an action for damages and injunctive relief by plaintiff Jeff Nielson (“Plaintiff”) against defendants Lawrence Beaver (“Beaver”), Paul Carroll (“Carroll”) and the Carrollton Mortgage Company, a company owned by Carroll (collectively, “Defendants”). Currently before the court is Plaintiff’s request for a Temporary Restraining Order (“TRO”) to prevent the foreclosure sale of Plaintiff’s property currently scheduled to take place on December 11, 2013. Plaintiff’s complaint, filed on December 3, 2013, alleges, *inter alia*, violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, and violation of the federal Older Americans Act, 42 U.S.C. §§ 3001 et seq. Federal subject matter jurisdiction therefore exists pursuant to 28 U.S.C. § 1331. Venue is proper in this court.

1 Plaintiff's attorney for purposes of this action, Aldon Bolanos, submitted a declaration in
2 support of the Request for TRO that describes his efforts to contact Defendants and resolve the
3 dispute. Bolanos's declaration states that Bolanos never received any response from either
4 Defendant despite multiple attempts to make contact. Bolanos declares he served the complaint,
5 the instant request for TRO, and associated documents by fax, by U.S. Mail and email and by
6 personal delivery to Beaver's office in Modesto. Similar efforts were taken with respect to
7 Defendant Carroll.

8 Hearing on Plaintiff's Request for TRO is currently scheduled to be held Monday,
9 December 9, 2013 at 1:30 p.m. in Courtroom 2. The court will issue its decision regarding the
10 Request for TRO at the conclusion of the scheduled hearing. If Defendants wish to have the court
11 consider any written opposition to Plaintiff's Request for TRO, such opposition must be filed and
12 served not later than 12:00 p.m. Friday, December 6, 2013. In the alternative, Defendants may
13 file and serve notice of non-opposition to the Request for TRO not later than 4:00 p.m. on Friday,
14 December 6, 2013, in which case the Request for TRO will be granted and the parties will be
15 directed to file briefs in support of and opposition to issuance of a subsequent preliminary
16 restraining order as follows:

17 Defendants shall file and serve any opposition to issuance of a preliminary restraining
18 order not later than 4:00 p.m. on Wednesday, December 10, 2013.

19 Plaintiff may file and serve a reply to Defendants' Opposition not later than 4:00 Tuesday,
20 December 17, 2013.

21 Upon receipt of Plaintiff's reply to Defendants' opposition to the issuance of a preliminary
22 injunction, the court will take the matter under submission and will issue its order not later than
23 4:00 p.m. Friday, December 20, 2013.

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25 IT IS SO ORDERED.

26 Dated: December 4, 2013

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SENIOR DISTRICT JUDGE

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