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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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MICHAEL TAHENY, et al.,

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NO. CIV. S-10-2123 LKK/EFB

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Plaintiffs,

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v.

O R D E R

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WELLS FARGO BANK, N.A.,
et al.,

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Defendants.

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On October 12, 2010, this court granted a temporary restraining order, preventing defendants from foreclosing on plaintiff's home for fourteen (14) days. That restraining order will expire on October 26, 2010. Hearing on a preliminary injunction was set for October 25, 2010, and the parties were advised to submit any additional briefing no later than seven (7) days prior to the preliminary injunction hearing. Plaintiffs timely submitted a motion for a preliminary injunction on October 18, 2010. Also on that date, the parties filed a stipulation to postpone the preliminary injunction hearing. In the stipulation,

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1 the defendant consented to plaintiff filing an amended complaint,
2 and a copy of that amended complaint was attached to the
3 stipulation. The defendant also agreed to postpone the foreclosure
4 on plaintiff's home until November 30, 2010. The parties have
5 requested that the preliminary injunction be continued to November
6 22, 2010. Accordingly, the court orders as follows:

7 [1] Defendant's pending Motion to Dismiss, ECF No. 5, is
8 DENIED WITHOUT PREJUDICE as moot.


9 [2] Plaintiffs are ORDERED to file the First Amended
10 Complaint, as consented to by defendant.

11 [3] The hearing on plaintiff's motion for a preliminary
12 injunction scheduled on October 25, 2010 is CONTINUED to
13 November 22, 2010 at 10:00 a.m.

14 IT IS SO ORDERED.

15 DATED: October 20, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT