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 7 UNITED STATES DISTRICT COURT  
 8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 SCOTT BISCHOFF and LERON DEMPSEY,

11 Plaintiffs,

12 v.

13 SANDRA BRITAIN; KEITH JOHNSON; and  
 RZM INVESTMENTS ENTERPRISE, LLC,

14 Defendants.  
 15

Case No. 2:14-cv-01970-KJM-CKD

**STIPULATION AND TEMPORARY  
 RESTRAINING ORDER AND ORDER  
 SETTING BRIEFING AND HEARING  
 SCHEDULE ON PRELIMINARY  
 INJUNCTION**

1           WHEREAS, Plaintiffs Scott Bischoff and Leron Dempsey (referred to herein as  
2 “Plaintiffs”) rent and reside in apartments at the Birchwood Gardens apartment complex at 1225  
3 Bell Street in Sacramento County, California that is owned and/or managed by the Defendants in  
4 this action (referred to herein as “Defendants”);

5           WHEREAS, on July 29, 2014, Defendants notified Plaintiffs of Defendants’ termination  
6 of Plaintiffs’ tenancies;

7           WHEREAS, on August 25, 2014, Plaintiffs filed the complaint in this action alleging,  
8 among other things, that Defendants’ termination of their tenancies at Birchwood Gardens is part  
9 of a discriminatory housing practice that is contrary to the federal Fair Housing Act, 42 U.S.C.  
10 § 3604 and 3617, and a violation of the California Unruh Civil Rights Act, California Civil Code  
11 § 51 and 51.2;

12           WHEREAS, Defendants’ termination of Plaintiffs’ tenancies is effective August 31,  
13 2014;

14           WHEREAS, on August 27, 2014, Plaintiffs moved the Court for a temporary restraining  
15 order and preliminary injunction to prevent the termination of their tenancies and served copies  
16 of their motion papers on Defendants’ counsel, thereby providing notice to Defendants;

17           WHEREAS, the Court has set the matter of Plaintiffs’ moved for temporary restraining  
18 order for hearing on August 29, 2014 at 1:30 p.m. and directed that Defendants’ opposition  
19 papers be filed by the close of business on August 28, 2014;

20           WHEREAS, the Parties wish to avoid the potentially duplicative expenditure of counsel’s  
21 and the Court’s time and resources on contested motion practice related to both a temporary  
22 restraining order and preliminary injunction; and  
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1           WHEREAS, the Parties therefore agree to the issuance of the temporary restraining order  
2 and the setting of a briefing and hearing schedule on the moved for preliminary injunction;

3           The Parties, through their undersigned counsel, hereby STIPULATE to the immediate  
4 issuance of the following order by this Court:

5           1.       The hearing and briefing dates set in the Court's August 27, 2014 minute order  
6 (Docket No. 5) are hereby taken off calendar.

7           2.       Plaintiffs' motion filed on August 27, 2014 (Docket No. 4) is granted in part as to  
8 the temporary restraining order.

9           3.       Without making any determination regarding the lawfulness of Defendants'  
10 conduct at this time, the Thirty-Day Notices of Termination of Tenancy dated July 29, 2014 and  
11 the upcoming August 31, 2014 termination of Plaintiffs Scott Bischoff and Leron Dempsey's  
12 tenancies in their apartments at the Birchwood Gardens apartment complex shall not be effective  
13 until the Court grants relief of this order.

14           4.       Pending further order of the Court, and without prejudice to Defendants seeking  
15 relief from this order in event of any serious rental agreement violation, Defendants Sandra  
16 Brittain, Keith Johnson and RZM Investments Enterprise, LLC shall allow Plaintiffs Scott  
17 Bischoff and Leron Dempsey to remain in and use and enjoy their apartments at the Birchwood  
18 Gardens apartment complex, so long as Plaintiffs continue to pay their monthly rent.

19           5.       Pending further order of the Court, and without prejudice to Defendants seeking  
20 relief from this order in event of any serious rental agreement violation, Defendants Sandra  
21 Brittain, Keith Johnson and RZM Investments Enterprise, LLC and anyone acting with them or  
22 on their behalf shall take no steps to displace, evict or remove Plaintiffs Scott Bischoff and Leron  
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1 Dempsey and shall not file any actions for possession of Plaintiffs' apartments, including any  
2 unlawful detainer actions, so long as Plaintiffs continue to pay their monthly rent.

3           6.       Pending further order of the Court, and without prejudice to Defendants seeking  
4 relief from this order in event of any serious rental agreement violation, Plaintiff Scott Bischoff  
5 shall continue to pay the monthly rent for his apartment in the amount of \$665.00 per month as  
6 the rent comes due so long as he remains in his apartment. Plaintiff Leron Dempsey shall  
7 continue to pay the monthly rent for his apartment in the amount of \$680.00 per month as the  
8 rent comes due so long as he remains in his apartment. Payment of rent shall be delivered to the  
9 Birchwood Gardens on-site manager's office.

10           7.       Defendants may file with the Court a memorandum in opposition to the moved  
11 for preliminary injunction no later than September 12, 2014. Plaintiffs may file a reply to  
12 Defendants' memorandum no later than September 19, 2014. A hearing on the moved for  
13 preliminary injunction shall be held on September 26, 2014 at 10:00 a.m.

14           8.       Because, under the express terms of this order, Defendants will continue to  
15 receive rent for Plaintiffs' apartments at the current rate, Defendants will suffer no meaningful  
16 costs or damages related to this order. Accordingly, Plaintiffs are not required to give security or  
17 bond under Rule 65(c) of the Federal Rules of Civil Procedure.

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1 **ORDER**

2 Should plaintiffs wish to supplement their moving papers, they shall do so by September  
3 5, 2014. The briefing schedule set forth above is otherwise approved.

4 The parties' stipulation is approved.

5 IT IS SO ORDERED.

6 DATED: August 29, 2014.  
7 *Nunc pro tunc to the*  
8 *time of submission*  
9 *of the parties' stipulation.*

  
UNITED STATES DISTRICT JUDGE