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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiff,
v.
MICHAEL J. DEMARTINI, et al.,
Defendant.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Plaintiffs filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c).

On December 22, 2016, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. Defendants have timely filed objections to the findings and recommendations (ECF No. 177).

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed December 22, 2016 are adopted in full;
- 2. Plaintiffs’ application for a temporary restraining order (ECF No. 159) is granted.

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1 3. Defendants Michael DeMartini and Renate DeMartini are directed to vacate the
2 premises of the property located at 12757 Loma Rica Drive, Grass Valley, California forthwith
3 and immediately.

4 4. Defendants, their agents, servants and employees, are temporarily restrained from the
5 following through the date on which an order regarding any motion for a preliminary injunction
6 regarding defendants' activities on the property located at 12757 Loma Rica Drive, Grass Valley,
7 California is issued, or 14 days following the issuance of this order, whichever length of time is
8 shorter:

9 a. Occupying the property located at 12757 Loma Rica Drive, Grass Valley,
10 California;

11 b. Interfering with any lawful tenant's occupancy and full use of the property
12 located at 12757 Loma Rica Drive, Grass Valley, California, and interfering with plaintiff
13 Timothy DeMartini's use, occupation, control and management of that leasehold interest;

14 c. Filing or recording any documents with the County Recorder, Secretary of State,
15 or other government entity with regard to the property located at 12757 Loma Rica Drive, Grass
16 Valley, California on behalf of plaintiffs without their express written authority;

17 d. Further disparagement or slandering of plaintiffs' title to the property located
18 at 12757 Loma Rica Drive, Grass Valley, California, and further publication of a claim or interest
19 casting doubt upon plaintiffs' title;

20 e. Holding the ownership of the property located at 12757 Loma Rica Drive, Grass
21 Valley, California out as a "partnership"; and

22 f. Selling, transferring, or otherwise encumbering any interest in or otherwise
23 clouding title to the property located at 12757 Loma Rica Drive, Grass Valley, California.

24 5. Defendants are ordered to deliver to plaintiffs' attorney Kirk Rimmer within five days
25 of this order a "Notice of Cancellation" of the "Memorandum of Lease" recorded at the Nevada
26 County Recorder's Office by defendant Michael DeMartini on October 20, 2016, as Document
27 No. 20160024151.

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6. Within seven days of the date of this order, defendants shall show cause in writing why a preliminary injunction enjoining them from engaging in the conduct set forth above during the pendency of this action should not be issued.

Dated: January 6, 2017



JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE