



1                   On September 20, 2015, Lac filed the current *ex parte* application, notifying the  
2 court a foreclosure sale has been scheduled for October 13, 2015. App. 3, ECF No. 13. No  
3 regular civil law and motion hearing date is available on the court’s calendar before that date. To  
4 his application Lac attached his declaration and that of his counsel describing the basis of his  
5 request, ECF Nos. 13-1, 13-2, copies of letters he sent to Nationstar requesting a loan  
6 modification, ECF No. 13-3, a copy of a letter he received from Nationstar, and the recorded  
7 notice of default and notice of trustee’s sale, scheduled for October 13, 2015, at 9:30 a.m., ECF  
8 No. 13-4.

9                   First, given the unusual circumstances of this case, the court declines to strictly  
10 impose the requirements listed in Local Rule 231.<sup>1</sup> The complaint, legal memorandum,  
11 affidavits, attached exhibits, and service by the United States Marshals Service accomplish the  
12 goals of that Rule.

13                   Second, in the interest of justice and an efficient resolution of this case, the court  
14 defers its decision on Lac’s *ex parte* application for a temporary restraining order pending a  
15 hearing, and orders as follows:

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17                   <sup>1</sup> That Rule provides in relevant part as follows:

18                   No hearing on a temporary restraining order will normally be set unless the  
19 following documents are provided to the Court and, unless impossible under the  
20 circumstances, to the affected parties or their counsel: (1) a complaint; (2) a  
21 motion for temporary restraining order; (3) a brief on all relevant legal issues  
22 presented by the motion; (4) an affidavit in support of the existence of an  
23 irreparable injury; (5) an affidavit detailing the notice or efforts to effect notice to  
24 the affected parties or counsel or showing good cause why notice should not be  
25 given, *see* L.R. 142; (6) a proposed temporary restraining order with a provision  
26 for a bond, *see* L.R. 151; (7) a proposed order with blanks for fixing the time and  
27 date for hearing a motion for preliminary injunction, the date for the filing of  
28 responsive papers, the amount of the bond, if any, and the date and hour of  
issuance, *see* L.R. 137; and (8) in all instances in which a temporary restraining  
order is requested *ex parte*, the proposed order shall further notify the affected  
party of the right to apply to the Court for modification or dissolution on two (2)  
days’ notice or such shorter notice as the Court may allow. *See* Fed. R. Civ. P.  
65(b).

E.D. Cal. L.R. 231(c).

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(1) A hearing is SET for Tuesday, **October 6, 2015**, at 2:30 p.m. in Courtroom 3 before the undersigned; and

(2) Plaintiff's counsel shall immediately contact Nationstar and (a) notify it of the pending application for a temporary restraining order and the hearing above, (b) serve a copy of this order on Nationstar, and (c) file proof of service of both (a) and (b).

IT IS SO ORDERED.

DATED: September 21, 2015.

  
UNITED STATES DISTRICT JUDGE