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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NELSON LAC,  
  
                                Plaintiff,  
  
                                v.  
  
NATIONSTAR MORTGAGE, LLC,  
  
                                Defendant.

No. 2:15-cv-00523-KJM-AC

ORDER

This matter is before the court on plaintiff Nelson Lac’s second ex parte application for a temporary restraining order barring the foreclosure sale of his home. ECF No. 38.

Lac filed a complaint in this court on March 9, 2015. ECF No. 1. He alleges the defendant, Nationstar Mortgage LLC, did not comply with California Civil Code section 2923.55 before initiating foreclosure proceedings. *Id.* ¶ 9. Specifically, Lac alleges Nationstar did not respond to several letters requesting a home mortgage loan modification before it recorded a notice of default in late 2014. *See id.* ¶¶ 3–7. The court granted Lac’s motion to proceed in forma pauperis on March 18, 2015. ECF No. 4. The United States Marshals Service completed service, and a summons was returned executed and filed on the docket on August 24, 2015. ECF No. 11. Nationstar did not file a timely responsive pleading. On September 17, 2015, Lac filed a

1 “Motion for Entry of Default” against Nationstar. ECF No. 12. Only several weeks after Lac  
2 filed this motion did Nationstar file a motion to dismiss, which the court later struck. ECF Nos.  
3 17, 30.

4 On September 20, 2015, Lac filed his first ex parte application for a temporary  
5 restraining order, notifying the court a foreclosure sale had been scheduled for October 13, 2015.  
6 ECF No. 13. After a hearing, this court granted Lac’s motion, as unopposed in part. ECF No. 24.  
7 Accordingly, the court enjoined Nationstar from conducting any nonjudicial foreclosure sale on  
8 the property until sixty days after the order was filed. *Id.*

9 On November 18, 2015, the court ordered the clerk of the court to enter default  
10 against Nationstar. ECF No. 30. The clerk entered default on the same day. ECF No. 31.  
11 Because the damages he sought are not readily ascertainable, Lac filed a motion for entry of  
12 default judgment against Nationstar. ECF No. 32-1. In the same motion, Lac requested the court  
13 permanently enjoin Nationstar barring the foreclosure sale of his home, and award attorney’s fees.  
14 *Id.* This motion currently is set for hearing before Magistrate Judge Allison Claire on January 13,  
15 2016. ECF No. 35.

16 On December 7, 2015, Lac filed the current ex parte application to enjoin  
17 Nationstar from engaging in a foreclosure sale. ECF No. 38. In his moving papers, Lac states  
18 that a foreclosure sale was set to occur on December 22, 2015. *Id.* In its opposition to the ex  
19 parte application, Nationstar represents the foreclosure sale has been postponed to February 2,  
20 2016. ECF No. 39. Nationstar does not in substance oppose enjoining a sale from occurring in  
21 December 2015. *See id.* The court construes Lac’s application to the court as unopposed.

22 Lac’s ex parte application to enjoin Nationstar from engaging in a December 2015  
23 foreclosure sale is hereby GRANTED. Accordingly, Nationstar Mortgage LLC, and its agents  
24 and assigns, are hereby ORDERED to refrain from taking any action to alienate title in 7575  
25 Citrus Avenue, Sacramento, California 95823, from Mr. Nelson Lac. In light of Nationstar’s

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1 representation to the court, and the pending motion for default judgment, Nationstar is  
2 ENJOINED from conducting any nonjudicial foreclosure sale on the Citrus Avenue property  
3 before February 2, 2015.

4 IT IS SO ORDERED.

5 DATED: December 28, 2015.

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UNITED STATES DISTRICT JUDGE