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EASTERN DISTRICT OF CALIFORNIA

PASKENTA BAND OF NOMLAKI  
INDIANS; and PASKENTA  
ENTERPRISES CORPORATION,

Plaintiffs,

v.

INES CROSBY; JOHN CROSBY;  
LESLIE LOHSE; LARRY LOHSE;  
TED PATA; JUAN PATA; CHRIS  
PATA; SHERRY MYERS; FRANK  
JAMES; UMPQUA BANK; UMPQUA  
HOLDINGS CORPORATION;  
CORNERSTONE COMMUNITY BANK;  
CORNERSTONE COMMUNITY  
BANCORP; JEFFERY FINCK; GARTH  
MOORE; GARTH MOORE INSURANCE  
AND FINANCIAL SERVICES, INC.;  
ASSOCIATED PENSION  
CONSULTANTS, INC.; HANESS &  
ASSOCIATES, LLC; ROBERT M.  
HANESS; THE PATRIOT GOLD &  
SILVER EXCHANGE, INC. and  
NORMAN R. RYAN,

Defendants,

CRP 111 WEST 141ST LLC;  
CASTELLAN MANAGING MEMBER  
LLC; CRP WEST 168TH STREET  
LLC; and CRP SHERMAN AVENUE  
LLC,

Nominal  
Defendants.

No. 2:15-cv-00538-GEB-CMK

**ORDER DENYING PLAINTIFFS'  
REQUEST FOR PRELIMINARY  
INJUNCTION**

Plaintiffs seek a preliminary injunction "imposing an immediate freeze on the assets of Defendants John Crosby, Ines Crosby, Leslie Lohse, and Larry Lohse," with an exception for

1 "reasonable living expenses[] and a collective allowance of  
2 \$10,000 in attorneys' fees and costs." (Pls.' Mem. P&A ISO Mot.  
3 Prelim. Inj. ("Mot.") 1:4-5; 33:10-12, ECF No. 72-10.)

4 To justify an injunction, a plaintiff "must establish  
5 that irreparable harm is likely, not just possible." Alliance for  
6 the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131 (9th Cir.  
7 2011). "Typically, monetary harm alone does not constitute  
8 irreparable harm . . . . Therefore, a party seeking an asset  
9 freeze has the additional burden of showing 'a likelihood of  
10 dissipation of the claimed assets, or other inability to recover  
11 monetary damages, if relief is not granted.'" Fid. Nat'l Title  
12 Ins. Co. v. Castle, No. C-11-00896-SI, 2011 WL 5882878, at \*5-6  
13 (N.D. Cal. Nov. 23, 2011) (internal citation omitted). "Courts  
14 have construed this standard narrowly, only exercising their ...  
15 authority . . . where there is considerable evidence of likely  
16 dissipation." Allstate Ins. Co. v. Baglioni, No. CV-11-06704-DDP-  
17 VBKX, 2011 WL 5402487, at \*2 (C.D. Cal. Nov. 8, 2011).

18 Plaintiffs argue Defendants' "consistent pattern of  
19 theft, fraudulent behavior, and attempts to evade liability,"  
20 demonstrate "there is a substantial likelihood that [they] will  
21 dissipate Tribal assets to frustrate any potential judgment" in  
22 the absence of an injunction. (Mot. 6:22-7:1; 6:18-20.)

23 Defendants respond Plaintiffs' evidence is insufficient  
24 to justify the extraordinary remedy they seek since "Plaintiffs  
25 lump all Defendants together . . . and broadly assert all  
26 Defendants should be enjoined. Plaintiffs, however, are seeking  
27 injunctions against each individual and are therefore required to  
28 show that each individual is likely to dissipate assets or put

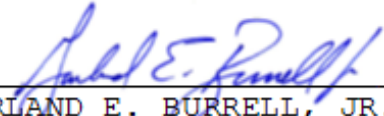
1 them beyond the reach of the Court.”<sup>1</sup> (Defs.’ Opp’n Mot. Prelim.  
2 Inj., 8:21-25, ECF No. 87.)

3 Plaintiffs have failed to present evidence justifying  
4 the injunctive relief they seek.

5 Therefore, Plaintiffs preliminary injunction motion is  
6 DENIED.

7 Dated: August 14, 2015

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GARIAND E. BURRELL, JR.  
Senior United States District Judge

26 \_\_\_\_\_  
27 <sup>1</sup> Defendants also raise a facial attack on the district court’s subject  
28 matter jurisdiction over Plaintiffs’ claims by incorporating the arguments  
presented in an earlier decided dismissal motion. (ECF No. 52.) However,  
Defendants’ earlier conclusory arguments failed to show that the court lacks  
subject matter jurisdiction over this lawsuit.