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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 ARMANDO GONZALEZ

CASE NO. C09-03444 MHP

13 Plaintiff,

~~PROPOSED~~ TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE PRELIMINARY
INJUNCTION

14 v.
15 WELLS FARGO BANK, et al.,

16 Defendants.

17 TO DEFENDANTS WELLS FARGO HOME MORTGAGE AND FIRST AMERICAN
18 LOANSTAR TRUSTEE SERVICES,

August 3, 2009

19 The Application for a Temporary Restraining Order came on for hearing on July __,
20 2009. The Court finds that good cause exists for the entry of a Temporary Restraining Order, in
21 that it appears from Plaintiff's papers that there is a reasonable likelihood that Plaintiff will
22 prevail on the merits. The Court also finds that irreparable injury will occur unless a Temporary
23 Restraining Order is issued, in that Plaintiff's home will be foreclosed upon unless an Order is
24 issued, and Plaintiff will be irredeemably prejudiced in any attempt to purchase another residence
25 in the future due to the fact of the foreclosure on his credit record. The Court also has considered
26 the public interest in the integrity of the foreclosure process. Accordingly,

27 YOU, AND EACH OF YOU ARE HEREBY ORDERED TO SHOW CAUSE before this
28 Court on ~~September~~ August 13, 2009 at the hour of 3:30 p.m., or as soon thereafter as the matter may be heard
at 450 Golden Gate Avenue, San Francisco, California why you and your officers, agents,
employees, and attorneys and those in active concert or participation with you or them, should

1 not be restrained and enjoined during the pendency of this action and until trial, from:

- 2 1) acting to deprive Plaintiff Armando Gonzalez of possession or ownership of the
- 3 real property located at 1915 San Buenaventura Way, San Miguel, County of San
- 4 Luis Obispo ("Plaintiff's home");
- 5 2) instituting, prosecuting or maintaining foreclosure on or sale of Plaintiff's home;
- 6 or
- 7 3) recording any deeds or mortgages regarding Plaintiff's home, or making adverse
- 8 reports to credit reporting agencies regarding Plaintiff.

9
10 Pending hearing on the above Order to Show Cause, you and your officers, agents,
11 employees, and attorneys and those in active concert or participation with you or them ARE
12 **HEREBY RESTRAINED AND ENJOINED** from:

- 13 1) acting to deprive Plaintiff Armando Gonzalez of possession or ownership of the
- 14 real property located at 1915 San Buenaventura Way, San Miguel, County of San
- 15 Luis Obispo ("Plaintiff's home");
- 16 2) instituting, prosecuting or maintaining foreclosure on or sale of Plaintiff's home;
- 17 or
- 18 3) recording any deeds or mortgages regarding Plaintiff's home, or making adverse
- 19 reports to credit reporting agencies regarding Plaintiff..

20 This Order to Show Cause and supporting papers shall be served on Defendants no later
21 than August 4, 2009^{by fascimile.} Any opposition to this Order to Show Cause must be filed and personally
22 served on Plaintiff's counsel or served by email on 8/10/2009. ~~A reply memorandum may~~
23 ~~be filed by _____, and shall be personally served or served by email on the date of filing.~~

24 Since the Plaintiff has been demonstrated to be impecunious, there is no showing of a
25 possibility of loss accruing to Defendants in the event a foreclosure is delayed until Plaintiff's
26 motion for a preliminary injunction can be heard, and the great weight of hardship would fall on
27 Plaintiff if a Temporary Restraining Order does not issue, and there is a strong likelihood of
28 Plaintiff's success on the merits;

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IT IS FURTHER ORDERED that no bond need be posted by Plaintiff.

Dated: August 3, 2009 at the hour of 4:20 p.m.

