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E-filed 09/09/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

URSULA MCCOMAS, et al.,

No. C 10-2622 RS

Plaintiffs,

v.

**ORDER DENYING LEAVE TO SEEK
RECONSIDERATION OF DENIAL OF
PRELIMINARY INJUNCTION**

EARL L. WALLACE, et al.,

Defendants,

The request of plaintiffs Jim and Danielle Earl for leave to file a motion for reconsideration of the denial of their motion for a preliminary injunction is denied. Although plaintiffs have now offered a response to most of the issues identified by the Court as presenting barriers to the relief they seek, even assuming the criteria for reconsideration may exist with respect to at least some of those points, plaintiffs have shown no basis to reconsider numerous other of the grounds on which relief was denied. Among other things, plaintiffs have not established cause for reexamining the conclusion that an injunction giving them the right to possession of the property should not issue without at least an opportunity for other interested parties, including the present record owner of the property, to be heard. Additionally, even to the extent plaintiffs seek an order only directly affecting the conduct of defendant Stanley Yates, it appears that Yates has not been served with process in

1 this action and was not given legal notice of the underlying motion for a preliminary injunction or
2 the request for reconsideration.

3 This order was originally prepared to be filed on August 26, 2010, but through an administrative
4 error was not e-filed. Plaintiffs have now filed a request seeking to have the hearing on this matter
5 continued. Plaintiffs are mistaken that their request for reconsideration was ever set for hearing on
6 September 30, 2010, or on any other date. Rather, as the order soliciting briefing on the propriety of
7 reconsideration stated, a briefing schedule on the merits (and any hearing date), would be set only if
8 leave to seek reconsideration were granted. In view of this disposition, no further briefing schedule
9 or hearing date will be set, and plaintiffs' request for a continuance is moot.

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IT IS SO ORDERED.

Dated: 09/09/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE