

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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5 BOYD REAL PROPERTY, LLC,

6 Plaintiff,

7 v.

8 THE MARIO JUAREZ SELLING
9 TEAM, et al.,

10 Defendants.

NO. C10-3142 TEH

ORDER DENYING
PLAINTIFF'S APPLICATION
FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE AS
TO JURISDICTION

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12 Plaintiff's application for a temporary restraining order fails to demonstrate that
13 Plaintiff will suffer irreparable injury if this matter cannot be heard on formal notice pursuant
14 to Civil Local Rule 7-2(a). Accordingly, Plaintiff's application for a temporary restraining
15 order is DENIED.

16 Although the Court might otherwise construe Plaintiff's papers as a motion for
17 preliminary injunction, it declines to do so in this case because it appears that Plaintiff has
18 failed to advise the Court of all relevant facts. For example, Plaintiff asserts that it received a
19 final judgment for possession of the property in question in Alameda County Superior Court
20 Case No. RG10500488. Mot. at 9. However, it appears that the state court subsequently
21 quashed the writ of possession. Ex. 1 to Defs.' Req. for Judicial Notice. Failure to mention
22 what appears to be a critical fact may violate Rule 11 of the Federal Rules of Civil
23 Procedure, but the Court opts not to begin sanctions proceedings at this time. Counsel are
24 hereby put on notice, however, that all subsequent filings with this Court are expected to
25 comply with Rule 11 and all other federal and local rules.

26 If Plaintiff continues to seek preliminary injunctive relief, it shall file a motion for
27 preliminary injunction in accordance with the Civil Local Rules and this Court's standing
28 order. Unless otherwise ordered, the briefing schedule shall follow Civil Local Rule 7-3.

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IT IS FURTHER ORDERED that Plaintiff shall show cause as to why this Court can and should exercise jurisdiction over a case that appears to have related state court and bankruptcy proceedings pending. Plaintiff's show cause response shall be filed not later than 35 calendar days before the re-noticed hearing date on Plaintiff's motion for preliminary injunction, and an opposition and reply regarding jurisdiction may be filed on the same briefing schedule as above. If no motion for preliminary injunction is filed, then the show cause response shall be filed on or before **September 27, 2010**, with the opposition due by **October 12, 2010**, and the reply due by **October 19, 2010**. The matter will then be deemed submitted on the papers unless the Court subsequently orders oral argument.

IT IS SO ORDERED.

Dated: 09/10/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT