

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4
5 JOHN M. CALDWELL and MARY F.
6 CALDWELL,

7 Plaintiffs,

8 v.

9 NORTHERN PACIFIC MORTGAGE
10 CORPORATION, et al.,

11 Defendants.

NO. C10-5306 TEH

ORDER RE: TEMPORARY
RESTRAINING ORDER

12 Although the Court has serious concerns about the procedural irregularities of
13 Plaintiffs' recent actions in this case, irreparable injury could flow from the Trustee's Sale
14 scheduled for Monday, February 14, 2011, at 12 p.m. Pursuant to Rule 65 of the Federal
15 Rules of Civil Procedure, the Court hereby GRANTS Plaintiffs' ex parte application for
16 temporary restraining order. This order is issued at 3 p.m. on February 10, 2011, and is
17 effective until 3 p.m. on February 24, 2011. Unless the parties stipulate to an alternative
18 hearing and briefing schedule and to the extension of this order, this matter is set for hearing
19 on Thursday, February 24, 2011, at 10 a.m. in Courtroom 2. At the hearing, the parties shall
20 be prepared to discuss (1) Plaintiffs' untimely amended complaint filed on February 9, 2011;
21 (2) Plaintiffs' improper notice of substitution of counsel filed on February 9, 2011; and (3)
22 Plaintiffs' application for temporary restraining order and preliminary injunction.


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Unless otherwise stipulated, Defendants shall respond to Plaintiffs' application for temporary restraining order and preliminary injunction no later than Tuesday, February 15, 2011, and Plaintiffs shall file a response no later than Friday, February 18, 2011.

IT IS SO ORDERED.

Dated: 2/10/2011



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT