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5   IN THE UNITED STATES DISTRICT COURT

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7   FOR THE NORTHERN DISTRICT OF CALIFORNIA

8   FLORENCIO L. OMEGA, et al.,   No. C 11-02621 JSW

9   Plaintiffs,   **ORDER SETTING BRIEFING
                                                    SCHEDULE AND SETTING
10   v.   HEARING ON PLAINTIFFS'
                                                    APPLICATION FOR A
11   WELLS FARGO & CO., et al.,   TEMPORARY RESTRAINING
                                                    ORDER**
12   Defendants.
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14   Plaintiffs have filed an application for a Temporary Restraining Order, in which they

15   seek to stop a trustee sale scheduled on February 9, 2012 at 12:30 p.m. Although Plaintiffs take

16   the position that the Court lacks subject matter jurisdiction over this action, they seek this relief,

17   because a hearing on Plaintiffs' motion to remand is not scheduled until February 24, 2012.

18   Thus, if the sale goes forward, it is possible that Plaintiffs' interest in the subject property will

19   be impaired before this Court decides whether it has jurisdiction to hear this action or whether

20   the action should be remanded to state court.

21   The Court HEREBY ORDERS Defendants to file an opposition to Plaintiffs' Ex Parte

22   Application by no later than 4:00 p.m. on February 8, 2012. The Court shall not require a reply

23   from Plaintiffs. The Court FURTHER ORDERS that the parties shall appear for a hearing on

24   the application at **10:00 a.m.** on February 9, 2012.

25   In light of the fact that the hearing on Plaintiffs' motion to remand is scheduled for

26   February 24, 2012, the Court exhorts the parties to agree to a postponement of the trustee sale

27   until after that motion is to be heard and at a time that, if the Court were to determine it does not

28   have jurisdiction over this case, would provide Plaintiffs with sufficient time to raise the issue

before state Court. If the parties come to such an agreement prior to tomorrow's hearing, they

shall submit a stipulation and proposed Order to the Court modifying the briefing schedule and

continuing the hearing on the request for the Temporary Restraining Order.

IT IS SO ORDERED.

Dated: February 8, 2012

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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California