

1 ANDERIES & GOMES LLP
 2 Allan J. Gomes (SBN 225810)
 3 Anne V. Leinfelder (SBN 230272)
 4 601 Montgomery Street, Suite 888
 5 San Francisco, California 94111
 Telephone: (415) 217-8802
 Facsimile: (415) 217-8803
agomes@andgolaw.com
aleinfelder@andgolaw.com

RECEIVED
 2012 JUN 14 A 10:32
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

6 Attorneys for Plaintiff
 7 BRIDGE PARTNERS, a California
 Corporation

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

MEJ

CV 12 3048 WHA

10 BRIDGE PARTNERS, a California corporation;
 11
 12 Plaintiff,
 13 vs.
 14 CITIBANK, N.A., a national banking
 15 association; JPMORGAN CHASE BANK, N.A.,
 a national banking association; and DOES 1
 through 50, inclusive,
 16 Defendants.

Case No.
**~~PROPOSED~~ ORDER GRANTING
 PLAINTIFF'S EX PARTE
 APPLICATION FOR TEMPORARY
 RESTRAINING ORDER; AND ORDER
 TO SHOW CAUSE FIXING TIME FOR
 HEARING ON MOTION FOR
 PRELIMINARY INJUNCTION**
 [Fed. R. Civ. P. 65(b); L.R. 7-10 and
 65-1]

17
 18
 19
 20 This matter comes before the Court on the *ex parte* application of Plaintiff Bridge
 21 Partners. Upon a review of the pleadings, moving papers, declarations, and evidence presented
 22 by Bridge Partners, the Court makes the following findings of fact and conclusions of law:

- 23 A. Bridge Partners holds two bank accounts at River City Bank, from which
 24 \$2,802,734.00 was transferred to various accounts at Citibank, N.A., and JPMorgan Chase
 25 Bank, N.A., between June 4, 2012 and June 7, 2012.
 26 B. Bridge Partners did not make or authorize the transfers of these funds.
 27 C. Citibank, N.A., and JPMorgan Chase Bank, N.A., have placed a temporary hold
 28 on the funds pursuant to California Financial Code Section 1450.

1 D. Bridge Partners has a very strong probability of proving at trial that Doe
2 Defendants fraudulently transferred \$2,802,734.00 from its bank accounts at River City Bank to
3 various bank accounts with Citibank, N.A., and JPMorgan Chase Bank, N.A.

4 E. Bridge Partners will suffer immediate and irreparable injury if a temporary
5 injunction is not issued.

6 F. The public interest favors issuance of a temporary restraining order.

7 G. The harm to Bridge Partners of denying the application outweighs the harm to
8 the legitimate interests of Defendants.

9 I. The public interest favors issuance of a temporary restraining order.

10 J. Injunctive relief is the only relief that will adequately protect Bridge Partners,
11 because the funds being held by Defendants Citibank, N.A., and JPMorgan Chase Bank, N.A.,
12 in the accounts of the Doe Defendants would likely be transferred or otherwise made
13 inaccessible, if Bridge Partners were to proceed on notice.

14 THEREFORE, it is hereby:

15 ORDERED that Defendants show cause before this Court at Courtroom 8, U.S. District
16 Court, 450 Golden Gate Ave, San Francisco, CA 94102, on the
17 19 day of ~~June~~ ^{July 19}, 2012 at 8 AM, or as soon thereafter as counsel can be heard, why a
18 preliminary injunction, pursuant to Fed. R. Civ. P. 65, should not be issued enjoining
19 Defendants, their agents, servants, employees, officers, and all persons in active concert and
20 participation with them, and pending the final hearing and determination of this action, from,
21 and in any manner, directly or indirectly, transferring, moving, withdrawing, or in any way
22 diverting any funds from the Bank Accounts set forth above.

23 ORDERED that pending the hearing and determination of Bridge Partners' motion for
24 preliminary injunction, Defendants, their agents, servants, employees, officers, and all other
25 persons in active concert or participation with them, be and hereby are, without prior written or oral
26 notice, temporarily restrained and enjoined from, and in any manner, directly or indirectly,
27 transferring, moving, withdrawing, or in any way diverting any funds from the Bank Accounts
28 set forth above.

1 ORDERED that service of the Summons and Complaint and of this Temporary
2 Restraining Order, and Order To Show Cause, together with copies of the papers in support
3 thereof, must be made on Defendants Citibank, N.A., and JPMorgan Chase Bank, N.A., no later
4 than June 15, 2012.

5 ORDERED that service of the Summons and Complaint and of this Temporary
6 Restraining Order, and Order To Show Cause, together with copies of the papers in support
7 thereof, must be made on the Doe Defendants no later than ~~June~~ ^{July} 29, 2012. *June 29*

8 ORDERED that answering papers, if any, be personally filed with this Court and
9 personally served upon Bridge Partners' counsel, Anderies & Gomes, at 601 Montgomery Street,
10 Suite 888, San Francisco, California 94111, on or before ~~June~~ ^{July 6} 6, 2012 at 5:00 p.m. and reply
11 papers on behalf of Plaintiff, if any, shall be filed by close of business of ~~June~~ ^{July 13} 13, 2012.

12 ORDERED that Defendants' failure to attend the show cause hearing scheduled herein
13 shall result in the immediate issuance of the preliminary injunction, which shall be deemed to take
14 effect immediately upon the expiration or dissolution of the temporary restraining order herein, and
15 shall extend during the pendency of this suit the same injunctive relief previously granted by the
16 temporary restraining order. Defendants are hereby notified that they shall be deemed to have
17 actual notice of the issuance and terms of such preliminary injunction, and that any act by them in
18 violation of any of its terms may be considered and prosecuted as contempt of this Court.

19
20 IT IS SO ORDERED.

21
22 Dated: June 14, 2012

U. A. Gomes

Judge of the District Court
Northern District of California