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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH GONZALES,
Plaintiff,

No. C-14-4059 EMC

v.

CITIMORTGAGE, INC, *et al.*,
Defendants.

**ORDER RE SUPPLEMENTAL
BRIEFING ON PLAINTIFF'S REQUEST
FOR PRELIMINARY INJUNCTION**

On September 12, 2014, this Court issued a temporary restraining order and an order to show cause why a preliminary injunction should not issue in this case. Dkt. No. 15. In its response to the order to show cause, Defendant argued that Plaintiff had failed to show a likelihood of prevailing on her claim under California Civil Code § 2923.6 because Plaintiff had failed to submit a complete loan modification application. Dkt. No. 19, at 5.


In its motion to dismiss, Defendant raised an additional argument against Plaintiff's § 2923.6 claim – that under Cal. Civil Code § 2923.6(g), it was not required to evaluate Plaintiff's loan modification application because she had already received loan modifications in the past. *See* Cal. Civil Code § 2923.6(g) (“[T]he mortgage servicer shall not be obligated to evaluate applications from borrowers who have already been evaluated or afforded a fair opportunity to be evaluated for a first lien loan modification prior to January 1, 2013 . . . unless there has been a material change in the borrower’s financial circumstances since the date of the borrower’s previous application and that change is documented by the borrower and submitted to the mortgage servicer.”).

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Plaintiff is hereby **ORDERED** to provide the Court a supplemental brief responding to Defendant's § 2923.6(g) argument. This supplemental brief shall not exceed 5 pages in length and shall be filed by **3:00pm, Wednesday, October 8, 2014**. No reply brief shall be filed.

IT IS SO ORDERED.

Dated: October 6, 2014


EDWARD M. CHEN
United States District Judge