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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID FOWLER, ET AL.,  
Plaintiffs,  
v.  
WELLS FARGO BANK, N.A.,  
Defendant.

Case No. [18-cv-01254-MMC](#)

**ORDER DENYING PLAINTIFFS'  
APPLICATION FOR PRELIMINARY  
INJUNCTION; VACATING TEMPRARY  
RESTRAINING ORDER; VACATING  
HEARING**

Before the Court is plaintiffs' application for a preliminary injunction.<sup>1</sup> Defendant has filed opposition, to which plaintiffs have replied. Having read and considered the papers filed in support of and in opposition to application, the Court finds the matter suitable for decision thereon, VACATES the hearing scheduled for November 16, 2018, and rules as followed.

By order filed concurrently herewith, the Court has granted defendant's motion to dismiss plaintiffs' claims without leave to amend. In light thereof, plaintiffs cannot establish they are "likely to succeed on the merits," see Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 24 (2008) (setting forth requirements to obtain preliminary injunction), or, alternatively, that "serious questions going to the merits" exist, see Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131-32 (9th Cir. 2011) (setting

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<sup>1</sup>On February 27, 2018, plaintiffs filed an "Ex Parte Application for Temporary Restraining Order," in which application plaintiffs included a request for a preliminary injunction. By order filed the same date, the Court granted the application for a temporary restraining order and directed defendant to show cause why a preliminary injunction should not issue.

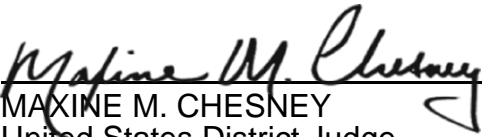
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forth "alternative" test on which plaintiff seeking preliminary injunction may rely).

Accordingly, the application is hereby DENIED, and the temporary restraining order previously issued is hereby VACATED.

**IT IS SO ORDERED.**

Dated: November 14, 2018

  
MAXINE M. CHESNEY  
United States District Judge