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12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION**

16 ARMANDO PLASCENCIA, and MELANIA)
 17 PLASCENCIA, individually and on behalf of)
 all others similarly situated,)

18 Plaintiffs,)
 19)

20 v.)

21 LENDING 1st MORTGAGE, LENDING 1st)
 22 MORTGAGE, LLC, EMC MORTGAGE)
 CORPORATION, and DOES 1 through 10)
 23 inclusive,)

24 Defendants.)
 25)
 26)

CASE NO. 4:07-cv-04485-CW

CLASS ACTION

**NOTICE OF WITHDRAWAL OF
 PLAINTIFFS' APPLICATION FOR
 PRELIMINARY INJUNCTION AND
~~PROPOSED~~ ORDER THEREON**

Hearing Date: March 19, 2009
 Time: 2:00 p.m.
 Place: Courtroom 2
 Judge: Hon. Claudia Wilken

Complaint Filed: August 29, 2007
 Trial Date: Not set yet.

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiffs, ARMANDO and MELANIA PLASCENCIA, hereby
3 withdraw their application for a preliminary injunction currently set for hearing on March 19, 2009 at
4 2:00 p.m.

5 Defendants LENDING 1st MORTGAGE, LLC and EMC MORTGAGE CORPORATION have
6 not filed an opposition to Plaintiffs application for preliminary injunction and therefore, Plaintiffs'
7 request that the Court vacate the hearing on Plaintiffs application for preliminary injunction.

8
9 DATED: February 17, 2009

ARBOGAST & BERNS LLP

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11 By: /s/ David M. Arbogast
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1 ~~PROPOSED~~ ORDER

2 Pursuant to Plaintiffs' request to withdraw their application for preliminary injunction, IT IS
3 HEREBY ORDERED that:

4 1. The hearing on Plaintiffs application for preliminary injunction currently set for hearing
5 on March 19, 2009 is vacated; and

6 2. All other dates, including Plaintiffs' motion for class certification shall remain on
7 calendar as previously ordered.

8 IT IS SO ORDERED

9 Dated: 2/20, 2009



10 _____
11 Hon. Claudia Wilken
12 United States District Court Judge
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