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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
Delaware corporation,

Plaintiff,

vs.

JOHN BROSNAN, MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC., a California corporation,  
and ROBERT JACOBSEN

Defendants.

Case No. C 09-3600 SBA

~~[PROPOSED]~~ ORDER TO SHOW CAUSE  
RE CONTEMPT FOR VIOLATION OF  
PRELIMINARY INJUNCTION

Having considered Plaintiff Mortgage Electronic Registration Systems, Inc.’s (“Plaintiff MERS”) *Ex Parte* Application for Order to Show Cause Re Contempt for Violation of Preliminary Injunction, along with the supporting memorandum and declaration of Carla B. Oakley, the Court finds that the evidence presented by Plaintiff MERS shows that Defendants John Brosnan (“Mr. Brosnan”) and Mortgage Electronic Registration Systems, Inc., a California corporation (“Defendant MERS”), have not obeyed two requirements of the Preliminary Injunction entered by the Court on September 4, 2009 (the “PI Order”):

1 *First*, Plaintiff MERS' evidence shows that these defendants have not changed the name  
2 of or dissolved a corporation in California with a name identical to Plaintiff MERS, as the PI  
3 Order required them to do by September 8, 2009.

4 *Second*, the evidence submitted by Plaintiff MERS shows that these defendants have not  
5 tendered any documents in their possession that were intended for Plaintiff MERS, as required by  
6 the PI Order.

7 Given the evidence presented, the Court is satisfied that Plaintiff MERS' application  
8 presents sufficient grounds for finding these defendants in contempt. Accordingly,

9 **IT IS HEREBY ORDERED THAT:**

10 1. Mr. Brosnan and Defendant MERS shall show cause before this Court on  
11 **November 10, 2009 at 1:00 p.m.**, in Courtroom 1, Fourth Floor, United States District Court,  
12 1301 Clay St., Oakland, California, why they should not be adjudged in contempt of the PI Order  
13 and ordered to pay to the Court a fine in the amount of \$500 per day unless and until they obey  
14 the PI Order and to pay to Plaintiff MERS its reasonable attorneys' fees and related costs incurred  
15 in this contempt proceeding.

16 2. By no later than October 30, 2009, Mr. Brosnan and Defendant MERS shall  
17 submit a written response to this order to show cause that complies in all respects with Civil  
18 Local Rule 7. **The failure to timely file a written response to the order show cause will be**  
19 **deemed to be a consent to the show cause order and the issuance of a contempt order which**  
20 **includes the imposition of sanctions.** In the event Mr. Brosnan and Defendant MERS file a  
21 written response, Plaintiff MERS shall file a reply by no later than November 3, 2009. Pursuant  
22 to Federal Rule of Civil Procedure 78(b), the Court may resolve the order to show cause without a  
23 hearing. The parties are advised to consult the Court's website to determine whether an  
24 appearance is necessary.

25 Dated: October 26, 2009

26   
27 SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 MORTGAGE ELECTRONIC  
5 REGISTRATION SYSTEMS INC.,

6 Plaintiff,

7 v.

8 JOHN BROSNAN et al,

9 Defendant.

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10 Case Number: CV09-03600 SBA

11 **CERTIFICATE OF SERVICE**

12  
13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
14 Court, Northern District of California.

15 That on October 27, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
18 receptacle located in the Clerk's office.

19 John Brosnan  
20 848 North Rainbow Boulevard  
21 #1643  
22 Las Vegas, NV 89107

23 Robert Edwin Jacobsen  
24 P.O. Box 1386  
25 Lafayette, CA 94549

26 Dated: October 27, 2009

27 Richard W. Wieking, Clerk

28 By: LISA R CLARK, Deputy Clerk