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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEE, et al.,

Plaintiffs,

v.

PMC BANCORP, et al.,

Defendants.

No. C 09-4484 PJH

**ORDER DENYING MOTION
FOR TEMPORARY RESTRAINING
ORDER**

Plaintiffs' motion for a temporary restraining order came on for hearing before this court on October 21, 2009. Plaintiffs, Sang In Lee and Ok Kee Lee ("plaintiffs"), appeared through their counsel, Kaiser Khan. Defendant Aurora Loan Services, LLC ("defendant") appeared through its counsel, Matthew Duarte. The remaining defendants did not appear. Having read the parties' papers and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby DENIES plaintiffs' motion for temporary restraining order, for the reasons stated at the hearing, and summarized as follows:

1. Denial of plaintiffs' request is warranted because, although plaintiffs have demonstrated the existence of qualifying harm in the absence of preliminary relief, plaintiffs have failed to establish that they are likely to succeed on the merits of their underlying claims, as required under Winter v. Natural Res. Defense Council, Inc., 129 S. Ct. 365, 374 (2008).

2. A hearing on defendant Aurora's pending motion to dismiss is scheduled for November 25, 2009. Plaintiffs' opposition brief is do no later than November 4, and

1 defendant's reply brief is due no later than November 11. To the extent plaintiffs continue
2 to seek an OSC re preliminary injunction following the instant denial of plaintiffs' request for
3 a temporary restraining order, the court will consider all arguments related thereto in
4 conjunction with the hearing on the motion to dismiss.

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6 **IT IS SO ORDERED.**

7 Dated: October 23, 2009



PHYLLIS J. HAMILTON
United States District Judge

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