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5 Attorney for Plaintiff

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8

9 ESTELL DAVIS,

CASE NO. 10-CV-00489 PJH

10 Plaintiff,

**STIPULATED PRELIMINARY
INJUNCTION; [~~PROPOSED~~] ORDER**

11 v.

12 WELLS FARGO BANK, *et al.*,

13 Defendants.
14 _____/

15 WHEREAS a trustee’s sale of Plaintiff’s home is presently scheduled for April 29, 2010;
16 WHEREAS on March 5, 2010 Plaintiff filed a Motion For Preliminary Injunction seeking
17 an injunction against Defendants from taking the following actions:

- 18 a) depriving Plaintiff Estell Davis of possession or ownership of the real property
19 located at 861 22nd Street, Oakland, CA 94607 (Alameda County) (“Plaintiff’s
20 home”);
- 21 b) instituting, prosecuting or maintaining foreclosure on or sale of Plaintiff’s home;
22 or
- 23 c) recording any deeds or mortgages regarding Plaintiff’s home, or making adverse
24 reports to credit reporting agencies regarding Plaintiff;

25 WHEREAS the parties have met and conferred regarding the necessity of holding a
26 hearing on Plaintiff’s Motion For Preliminary Injunction,

27 Pursuant to Civ. L.R. 7-12, the parties hereto, by and through their counsel, stipulate and
28 agree as follows:

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ORDER

Pursuant to Stipulation, IT IS SO ORDERED.

Dated: 3/29/10

UNITED STATES DISTRICT COURT



EXHIBIT 1

1 1. During the pendency of this case, GMAC Mortgage, LLC will not take the
2 following actions, and will direct the foreclosure trustee and the loan servicer to refrain from
3 taking the following actions:

- 4 a) depriving Plaintiff Estell Davis of possession or ownership of the real property
5 located at 861 22nd Street, Oakland, CA 94607 (Alameda County) (“Plaintiff’s
6 home”);
7 b) instituting, prosecuting or maintaining foreclosure on or sale of Plaintiff’s home;
8 or
9 c) recording any deeds or mortgages regarding Plaintiff’s home, or making adverse
10 reports to credit reporting agencies regarding Plaintiff;

11 2. Plaintiff shall not be required to post a bond.

12 3. Plaintiff shall request that the Court take the hearing on Plaintiff’s Motion For
13 Preliminary Injunction off calendar.

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15 Dated: _____

TRIAL & TECHNOLOGY LAW GROUP
A Professional Corporation
Attorneys for Plaintiff
ESTELL DAVIS

16
17
18 By _____
19 Robert A. Spanner

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22 Dated: 3/28/10 _____

WOLFE & WYMAN, LLP
Attorneys for Defendant
GMAC MORTGAGE, LLC

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25 By _____
26 Brian H. Gunn
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