

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

ARMIE CUA CRUZ; and FLORO LORENZO
CRUZ, JR.,

No. C 12-3219 CW

Plaintiffs,

ORDER DENYING
PLAINTIFFS'
EMERGENCY EX PARTE
APPLICATION FOR A
TEMPORARY
RESTRAINING ORDER
AND ORDER TO SHOW
CAUSE (Docket No.
3)

v.

JP MORGAN CHASE BANK, NATIONAL
ASSOCIATION, as successor in
interest to WASHINGTON MUTUAL
BANK F.A.; QUALITY LOAN SERVICE
CORPORATION; CALIFORNIA
RECONVEYANCE COMPANY; and DOES
1-100,

Defendants.

United States District Court
For the Northern District of California

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On June 20, 2012, Plaintiffs Armie Cua Cruz and Floro Lorenzo Cruz, Jr. filed an emergency ex parte application for a temporary restraining order and preliminary injunction. Plaintiffs seek to prevent Defendant JP Morgan Chase Bank, National Association (Chase), its agents, employees, successors, attorneys and all persons in active concert and participation with it "from engaging or performing in any act to deprive Plaintiff [sic] of their residence in and possession of the real property at 23 Pinnacle Street, South San Francisco, CA 94080, including an unlawful writ of possession and eviction scheduled for next Thursday, June 21, 2012." Mot. at 1-2.

On June 21, 2012, the Court issued an order finding that Plaintiffs had not make a sufficient showing to obtain an ex parte temporary restraining order. The Court set a briefing schedule, requiring Chase to file a response to Plaintiffs' motion for a

1 temporary restraining order by 12:00 p.m. three court days after
2 it has been served with certain documents and permitting
3 Plaintiffs to file a reply by 12:00 p.m. the following court day.

4 On June 29, 2012, Chase and Defendant California Reconveyance
5 Company filed an opposition to Plaintiffs' motion. They argue,
6 among other things, that Plaintiffs' motion is moot because Chase
7 had obtained possession of the property on June 21, 2012. Naiman
8 Decl. ¶ 49.

9 Plaintiffs have not filed a reply or challenged Defendants'
10 argument that their motion is moot. Because Plaintiffs are no
11 longer in possession of the property, Plaintiffs' request for
12 injunctive relief preventing Chase "from engaging in or performing
13 any act to deprive Plaintiff of their residence in and possession
14 of" the property is moot.

15 Accordingly, Plaintiffs' application for a temporary
16 restraining order and order to show cause for preliminary
17 injunctive relief is DENIED (Docket No. 3). Plaintiffs may file a
18 properly noticed motion for a preliminary injunction, pursuant to
19 Civil Local Rules 65-2 and 7-2.

20 IT IS SO ORDERED.

21
22 Dated: July 5, 2012

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24 _____
25 CLAUDIA WILKEN
26 United States District Judge
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