

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

3
4 ARMIE CUA CRUZ; and FLORO LORENZO
5 CRUZ, JR.,

6 Plaintiffs,

7 v.

8 JP MORGAN CHASE BANK, NATIONAL
9 ASSOCIATION, as successor in
10 interest to WASHINGTON MUTUAL
11 BANK F.A.; QUALITY LOAN SERVICE
12 CORPORATION; CALIFORNIA
13 RECONVEYANCE COMPANY; and DOES
14 1-100,

15 Defendants.

No. C 12-3219 CW

ORDER REGARDING
PLAINTIFFS'
EMERGENCY EX PARTE
APPLICATION FOR A
TEMPORARY
RESTRAINING ORDER
(Docket No. 3)

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Plaintiffs Armie Cua Cruz and Floro Lorenzo Cruz, Jr. have submitted an emergency ex parte application for a temporary restraining order and preliminary injunction. Plaintiffs seek to prevent Defendant JP Morgan Chase Bank, National Association, its agents, employees, successors, attorneys and all persons in active concert and participation with it from engaging in any act to deprive Plaintiffs of, or foreclose upon, the real property located at 23 Pinnacle Street in South San Francisco, California, including by enforcing a writ of possession on June 21, 2012.

Plaintiffs have not made a sufficient showing to obtain an ex parte temporary restraining order. Among other things, Plaintiffs have not submitted evidence supporting the existence of a writ of possession for the subject property or that Defendant intends to enforce such a writ on June 21, 2012.

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The Court will defer ruling on Plaintiffs' motion until Defendant has an opportunity to respond. Plaintiffs must file proof of the date and time that they has served Defendant with their complaint, motion for a temporary restraining order, supporting declaration and exhibits and this Order. Defendant shall file a response to Plaintiffs' motion for a temporary restraining order by 12:00 p.m. three court days after it has been served with the aforementioned documents. Plaintiffs may, if they wish, file a reply by 12:00 p.m. the following court day.

The Court will take the matter under submission on the papers and schedule a hearing on Plaintiffs' motion for a preliminary injunction as appropriate.

IT IS SO ORDERED.

Dated: 6/21/2012



CLAUDIA WILKEN
United States District Judge