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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

GERARD DUENAS, HAROLD GOLDMAN,

Plaintiffs,

vs.

STEVEN FREITAS, AKA STEVE  
FREITAS, in his Official and Private  
Capacity, SONOMA COUNTY SHERIFF'S  
DEPARTMENT, KATHRYN STRALEY in  
her official and private capacity, DEUTSCHE  
BANK, NATIONAL TRUST COMPANY,  
MICHAEL S. AND MARY C.  
BASKAUSKAS, DOES 1-15, Inclusive,

Defendants.

Case No: C 13-0836 SBA

**ORDER DENYING PLAINTIFFS'  
EMERGENCY REQUEST FOR  
TEMPORARY INJUNCTION  
DURING APPEAL**

Dkt. 37

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Plaintiffs Gerard Duenas (“Duenas”) and Harold Goldman (“Goldman”) previously filed the instant action to enjoin the eviction of Goldman from property rented to him by Duenas, who has since lost the property through non-judicial foreclosure. The Court dismissed the action on June 28, 2013.

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On July 5, 2013, Plaintiffs concurrently filed a Notice of Appeal with the Ninth Circuit, Dkt. 36, as well as an Emergency Request for Temporary Injunction During Appeal. Dkt. 37. In their request, Plaintiffs claim that on July 3, 2013, Defendants served a notice to vacate requiring them to vacate the premises by July 15, 2013. As a result, Plaintiffs seek an “emergency” stay of the eviction notice for a period of thirty-five days so that they can seek appropriate “urgent” relief from the Ninth Circuit.

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Instead of waiting for the Court’s ruling on their emergency request, on July 9, 2013, Plaintiffs filed an emergency request before the Ninth Circuit to stay the eviction. On July 10, 2013, the Ninth Circuit summarily denied Plaintiffs’ motion. Duenas v. Freitas, Ninth Cir. Ct. of Appeal, No. 13-16372, Dkt. 4. Accordingly,

IT IS HEREBY ORDERED THAT Plaintiffs’ Emergency Request for Temporary Injunction During Appeal is DENIED as moot. This Order terminates Docket 37.

IT IS SO ORDERED.

Dated: July 10, 2013

  
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SAUNDRA BROWN ARMSTRONG  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GERARD DUENAS et al,

Plaintiff,

v.

STEVEN FREITAS et al,

Defendant.

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Case Number: CV13-00836 SBA

**CERTIFICATE OF SERVICE**

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

That on July 11, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gerard Duenas  
6285 Sonoma Highway 12  
Santa Rosa, CA 95409

Harold Goldman  
6285 Highway 12  
Santa Rosa, CA 95409

Dated: July 11, 2013

Richard W. Wieking, Clerk

By: Lisa Clark, Deputy Clerk