

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OFA TAIMANI & ELIZABETH KIOA,
Plaintiffs,

vs.

U.S. BANK, N.A., as Legal Title Trustee for
the **RESIDENTIAL MORTGAGE LOAN TRUST
2013-TT2; WELLS FARGO BANK, N.A.,** as
Certificate Trustee for the Registered
Holders of VNT Trust Series 2010-2; and
DOES 1 THROUGH 10, INCLUSIVE,

Defendants.

Case No. 16-cv-2992-YGR

**TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE: PRELIMINARY
INJUNCTION**

Re: Dkt. No. 76

United States District Court
Northern District of California

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Plaintiffs Ofa Taimani and Elizabeth Kioa (“Plaintiffs”) have filed an Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Issue. (Dkt. No. 76.) Plaintiffs’ counsel’s declaration indicates that he has given notice by U.S.P.S. First Class Mail, e-mail, and phone to defendants on April 26, 2017. (Dkt. No. 76-3, Declaration of Arasto Farsad at 2.)

Having reviewed the application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction, the Memorandum of Points and Authorities, the Declaration of Ofa Kioa and Elizabeth Taimani (Dkt. 76-2), the second amended complaint, other filings in this case, and good cause appearing, the Court **GRANTS** the Motion and **ORDERS** as follows:

ORDER TO SHOW CAUSE

Defendants U.S. Bank, N.A, as Legal Title Trustee for the Residential Mortgage Loan Trust 2013-TT2; Wells Fargo Bank , N.A., as Certificate Trustee for the Registered Holders of VNT Trust Series 2010-2; et al. (“Defendants”) are **ORDERED TO SHOW CAUSE** why a preliminary injunction should not be entered against you to restrain and enjoin you and your agents, assigns and/or transferees, from proceeding with the foreclosure of the real property located at 26893 Boca Raton Court, Hayward, CA, 94545, APN: 2006103066 (the “Subject Property”), encumbering or transferring any right, title, or interest in the Subject Property, or

1 taking any other enforcement actions, pending trial of this action or further order of this Court.

2 **TEMPORARY RESTRAINING ORDER**

3 Pending hearing on the Order to Show Cause, Defendants and their agents, assigns and/or
4 transferees, are restrained and enjoined from proceeding with the foreclosure of the real property
5 located at 26893 Boca Raton Court, Hayward, CA, 94545, APN: 2006103066, encumbering or
6 transferring any right, title, or interest in the Subject Property, or taking any other enforcement
7 actions.


8 **IT IS FURTHER ORDERED THAT,**

- 9 1. Plaintiffs shall serve this Temporary Restraining Order and Order to Show Cause on
10 Defendants forthwith by email and/or facsimile and in no event later than no later than
11 **April 27, 2017 by 5:00 p.m.** and by personal service by April 28, 2017. Proof of such
12 service shall be filed no later than April 28, 2017.
- 13 2. Any opposition to the Order to Show Cause shall be filed no later than **May 2, 2017.**
- 14 3. Any written reply shall be filed no later than **May 5, 2017.**
- 15 4. Hearing on the Order to Show Cause for Preliminary Injunction shall be held on **May 10,**
16 **2017 at 1:00 p.m.** in Courtroom 1, Federal District Courthouse, 1301 Clay Street,
17 Oakland, California.

18 The Court will entertain a modified schedule for briefing and hearing, and extension of the
19 temporary restraining order, if presented by stipulation of the parties.

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21 **IT IS SO ORDERED.**

22 Dated: April 27, 2017

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24 **YVONNE GONZALEZ ROGERS**
25 **UNITED STATES DISTRICT COURT JUDGE**

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