

E-Filed 3/19/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

LAURA GENS,

Plaintiff,

v.

WACHOVIA MORTGAGE CORPORATION;
CAL-WESTERN RECONVEYANCE
CORPORATION; WORLD SAVINGS BANK,
FSB; WACHOVIA MORTGAGE, FSB; GOLDEN
WEST SAVINGS ASSOCIATION SERVICE CO.,
and DOES 1-20 inclusive,

Defendants.

Case Number CV10-01073 JF (HRL)

ORDER¹ GRANTING APPLICATION
FOR TEMPORARY RESTRAINING
ORDER AND SETTING HEARING
ON REQUEST FOR INJUNCTIVE
RELIEF

[re: docket no. 5]

On February 26, 2010, Plaintiff Laura Gens (“Plaintiff”) filed the instant action in the Santa Clara Superior Court against Defendants Wachovia Mortgage Corporation, Cal-Western Reconveyance Corporation, World Savings Bank, FSB, Wachovia Mortgage, FSB, Golden West Savings Association Service Co., and Does 1-20, inclusive (collectively, “Defendants”) alleging violations of the Truth in Lending Act (“TILA”), 15 U.S.C. § 1601, et seq and the Real Estate

¹ This disposition is not designated for publication in the official reports.

1 Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2601 et seq., and asserting eleven state-law
2 claims for relief. On that same date, the state court issued an *ex parte* temporary restraining
3 order (“TRO”) enjoining Defendants from transferring ownership interest in the subject property
4 located at 4141 Old Trace Road, Palo Alto, California (“the Property”) and setting the matter for
5 further hearing on March 18, 2010.

6 Defendants thereafter rescheduled their scheduled sale of the Property to March 22, one
7 day after the TRO issued by the state court would expire by operation of law, and then removed
8 the instant action to this Court on March 12, six days prior to the hearing that had been scheduled
9 by the state court. On March 18, Plaintiff filed the instant application in this Court. The
10 foreclosure sale remains scheduled for March 22. Having considered Plaintiff’s application and
11 Defendants’ opposition thereto, and good cause therefor appearing, a hearing on Plaintiff’s
12 request for injunctive relief is hereby scheduled for Friday, March 26, 2010 at 9:00 A.M. Pending
13 that hearing and until further order of the Court, Defendants shall be temporarily restrained from
14 proceeding with any sale of or otherwise transferring any ownership interest in the Property.

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16 **IT IS SO ORDERED.**

17 DATED: March 19, 2010

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Jeremy Focce
United States District Judge

1 A copy of this order has been served upon the following persons:

2 Laura Gens
3 4141 Old Trace Road
4 Palo Alto, CA 94306

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