

\*\*E-Filed 7/23/2010\*\*

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

ROSIE LUCIW,  
  
Plaintiff,  
  
v.  
  
BANK OF AMERICA, N.A.; BAC HOME  
LOANS SERVICING, LP; AND DOES 1-100,  
inclusive,  
  
Defendants.

Case Number C 10-02779-JF (HRL)  
  
ORDER<sup>1</sup> RE PLAINTIFF'S  
APPLICATION FOR A TEMPORARY  
RESTRAINING ORDER

This action arises out of a residential mortgage transaction. The subject property is located at 4040 Hidden Valley Lane, San Jose, California 95127. On June 24, 2010, Plaintiff Rosie Luciw ("Plaintiff") filed the instant action against Defendants Bank of America, N.A., BAC Home Loan Servicing, LP, and Does 1-100, alleging violations of the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. § 2605, et seq., and the Unfair Competition Law, Cal. Bus. & Prof. Code § 17200. On July 2, 2010, Plaintiff filed an application for a temporary restraining order ("TRO") in which she asserted that a trustee's sale of the subject property was scheduled for July 8, 2010. Because it did not learn of Plaintiff's TRO application until after the date of the scheduled sale, the Court requests that the parties submit, on or before July 29, 2010, a short letter brief and/or declaration informing the Court of the current status of the subject property.

<sup>1</sup> This disposition is not designated for publication in the official reports.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS SO ORDERED.**

DATED: July 23, 2010



JEREMY FOGEL  
United States District Judge