

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GARY KREMEN,)	Case No.: 5:11-cv-05411-LHK
)	
Plaintiff,)	ORDER EXTENDING TEMPORARY
)	RESTRAINING ORDER; CONTINUING
v.)	ORDER TO SHOW CAUSE HEARING;
)	AND STRIKING DOCUMENTS FILED
MICHAEL JOSEPH COHEN, an individual; and)	BY NON-PARTY STEPHEN MICHAEL
FNBPAY CORPORATION, an Arizona)	COHEN
corporation,)	
)	(re: dkt #: 14, 17, 20, 25, 26, 27, 28)
Defendants.)	

On December 7, 2011, the Court granted Plaintiff's ex parte application for a Temporary Restraining Order (TRO) and ordered Defendants to show cause why a preliminary injunction should not issue. See ECF No. 16. The Court found that a TRO was warranted based on Plaintiff's showing that he was likely to succeed on the merits and to suffer irreparable harm in the absence of preliminary relief, and that the balance of hardships weighed in his favor. However, the Court raised concerns about whether the Court has personal jurisdiction over Defendants, who appear to be residents of Arizona, and whether venue in this district is proper. Accordingly, the Court ordered Plaintiff to file by December 12, 2011 at 5:00 p.m. a brief addressing whether venue in this district is proper and whether the Court has jurisdiction over any Defendants and/or property sought to be preliminarily enjoined. Plaintiff timely filed a brief addressing these issues. See ECF No. 21.

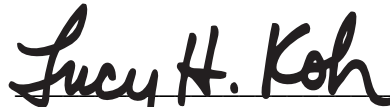
1 The Court also ordered Defendants to file an opposition to Plaintiff's motion for
2 preliminary injunctive relief, if any, by Monday, December 12, 2011 at 5:00 p.m. To date,
3 Defendants have not filed anything in this case. Instead, Stephen Michael Cohen, who is not a
4 party to this case, has been filing documents without permission of the Court to do so. Stephen
5 Michael Cohen is not Defendants' attorney of record and is not authorized to file papers in this
6 case. The Court therefore STRIKES ECF document nos. 14, 17, 20, 25, 26, 27, and 28 filed by
7 Stephen Michael Cohen in this case. Defendants are directed to General Order 45 for procedures
8 on how to properly file pleadings and other documents in this action.

9 The Court noted in its December 7, 2011 Order that it will not issue a preliminary
10 injunction absent Plaintiff's showing that this Court has personal jurisdiction over Defendants and
11 in rem jurisdiction over any property sought to be enjoined, and that venue in this district is proper.
12 See ECF No. 16 at 12. In light of Defendants' failure to properly file any briefing regarding
13 questions of personal jurisdiction and venue, the Court hereby continues the order to show cause
14 hearing from December 16, 2011 to January 5, 2012 at 1:30 p.m. Defendants shall file an
15 opposition to Plaintiff's motion for preliminary injunction, in which they address personal
16 jurisdiction and venue, by December 28, 2011. Defendants' failure to do so will result in grant of
17 the preliminary injunction motion. Plaintiff shall file a reply to Defendants' opposition, if any, by
18 January 2, 2012.

19 For the reasons stated in the December 7, 2011 Order, the Court finds good cause to extend
20 the temporary restraining order until the January 5, 2012 order to show cause hearing.

21 **IT IS SO ORDERED.**

22
23 Dated: December 15, 2011

24 
25 LUCY H. KOH
26 United States District Judge