

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

LAURA ANN GENS and TIMOTHY GENS,

Plaintiffs,

v.

COLONIAL SAVINGS, F.A.; ASSOCIATED
BANK, N.A.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

Defendants.

Case No. C-11-05526-RMW

**ORDER DENYING PRELIMINARY
INJUNCTION AND FINDING MOTION
FOR LEAVE TO FILE AN AMENDED
COMPLAINT MOOT**

[Re Docket Nos. 76, 79]

Plaintiffs Laura and Timothy Gens move from a preliminary injunction enjoining "[d]efendants and their employees, agents, and persons acting with them or on their behalf from entering upon the Property located at N2403 Cisco Road, Lake Geneva WI." Dkt. No. 76. A preliminary injunction is an "extraordinary remedy" that requires plaintiffs to demonstrate that irreparable injury is likely. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20, 24 (2008). The plaintiffs filed a previous request for a preliminary injunction, Dkt. No. 30, which the court denied. Dkt. 45. Now, the court again finds that plaintiffs fail to meet the high bar required for a preliminary injunction.

Plaintiffs have also moved the court for leave to file an amended complaint. As the court has granted leave to amend some of plaintiffs' causes of action in its order on defendants' motions to

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dismiss, the motion for leave to amend is moot. Consistent with the courts previous order, plaintiffs must file any amended complaint by September 26, 2013. Plaintiffs' amended complaint may contain new allegations related to the recent break-ins.

Dated: September 3, 2013



Ronald M. Whyte
United States District Judge