



1 currently facing foreclosure.<sup>1</sup> The Complaint alleges the following claims for relief: (1) violation of  
2 TILA, (2) violation of the Real Estate Settlement Procedures Act (“RESPA”), (3) breach of fiduciary  
3 duty, (4) violation of California Business and Professions Code § 17200, (5) breach of the implied  
4 covenant of good faith and fair dealing, (6) negligence and (7) injunctive relief.

5 **II.**

6 **DISCUSSION**

7 The purpose of a temporary restraining order is to preserve the status quo before a preliminary  
8 injunction hearing may be held; its provisional remedial nature is designed merely to prevent  
9 irreparable loss of rights prior to judgment. *See Granny Goose Foods, Inc. v. Brotherhood of*  
10 *Teamsters & Auto Truck Drivers*, 415 U.S. 423, 439 (1974) (noting that a temporary restraining order  
11 is restricted to its “underlying purpose of preserving the status quo and preventing irreparable harm  
12 just so long as is necessary to hold a hearing, and no longer”). The standard for issuing a temporary  
13 restraining order is identical to the standard for issuing a preliminary injunction. *Lockheed Missile*  
14 *& Space Co., Inc. v. Hughes Aircraft Co.*, 887 F. Supp. 1320, 1323 (N.D. Cal. 1995). A party seeking  
15 injunctive relief under Federal Rule of Civil Procedure 65 must show either (1) a combination of  
16 probable success on the merits and the possibility of irreparable harm, or (2) that serious questions are  
17 raised and the balance of hardships tips sharply in the moving party's favor. *Sun Microsystems, Inc.*  
18 *v. Microsoft Corp.*, 188 F.3d 1115, 1119 (9th Cir. 1999); *Roe v. Anderson*, 134 F.3d 1400, 1402 (9th  
19 Cir. 1998). ““These two formulations represent two points on a sliding scale in which the required  
20 degree of irreparable harm increases as the probability of success decreases.”” *Roe*, 134 F.3d at 1402  
21 (quoting *United States v. Nutri-cology, Inc.*, 982 F.2d 394, 397 (9th Cir. 1992)); *accord Sun*  
22 *Microsystems*, 188 F.3d at 1119. “Thus, ‘the greater the relative hardship to the moving party, the less  
23 probability of success must be shown.’” *Sun Microsystems*, 188 F.3d at 1119 (quoting *National Ctr.*  
24 *for Immigrants Rights v. INS*, 743 F.2d 1365, 1369 (9th Cir. 1984)).

25 ///

---

27 <sup>1</sup> The Complaint alleges Plaintiffs’ “family home is in imminent danger of foreclosure.” (*Id.*  
28 at ¶1.) In an effort to obtain more specific information, the Court visited the website listed on the  
Notice of Trustee’s Sale, and called the toll-free number listed therein, and learned that Plaintiffs’  
home is scheduled for sale on June 11, 2010, at 10:00 a.m.

1 Here, Plaintiffs have shown a possibility of irreparable harm in the potential loss of their  
2 residence. However, Plaintiffs have not demonstrated either “a combination of probable success on  
3 the merits” of their claims, nor have they raised any serious questions about the merits of their claims.  
4 In the absence thereof, Plaintiffs are not entitled to a temporary restraining order.

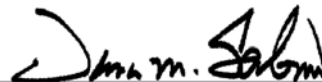
5 **III.**

6 **CONCLUSION**

7 For these reasons, Plaintiffs’ motion for temporary restraining order is denied.

8 **IT IS SO ORDERED.**

9 DATED: June 1, 2010

10 

11 HON. DANA M. SABRAW  
12 United States District Judge

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28