

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 10-cv-01945-PAB-MEH

LORRAINE M. MOLLER,

Plaintiff,

v.

ONEWEST BANK, FSB,

Defendant.

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**ORDER**

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This matter comes before the Court on the Joint Status Report of Plaintiff and Defendant [Docket No. 41]. In that status report, the parties informed the Court that, despite earlier indications that the property at issue could be sold by late October, 2010, thus eliminating a need for preliminary injunction, the property has not been sold and is not under contract for sale. The parties therefore requested that the Court reschedule the completion of the preliminary injunction hearing recessed on October 5, 2010.

Through the status report, the parties also requested that the Temporary Restraining Order, previously extended until November 1, 2010, be extended to November 30, 2010 to allow the preliminary injunction hearing to be completed.

Finally, given that the sale of the property is no longer imminent, the parties now request that plaintiff be ordered to respond to defendant's motion to dismiss by November 19, 2010. On October 5, 2010 the Court ordered that plaintiff need not respond to defendant's motion to dismiss [Docket No. 37] until further order of the

Court.

Pursuant to Federal Rule of Civil of Procedure 65(b)(2) and given defendant's consent, the Court will extend the Temporary Restraining Order previously issued in this case, which currently expires on November 1, 2010, to November 30, 2010 at 1:30 p.m. in order to allow the parties the time necessary to complete the preliminary injunction hearing. The Court reserves ruling on the portion of the motion requesting a preliminary injunction until a hearing on the matter can be held.

Wherefore, it is

**ORDERED** that the Temporary Restraining Order is extended to **1:30 p.m. on November 30, 2010**. It is further

**ORDERED** that, pursuant to Federal Rule of Civil Procedure 65(c), plaintiff shall maintain with the Court her previously posted security in the amount of \$1000. It is further

**ORDERED** that the preliminary injunction hearing is continued until November 30, 2010 at 1:30 p.m. It is further

**ORDERED** that plaintiff's response to defendant's motion to dismiss [Docket No. 37] is due on or before November 15, 2010. Defendant's reply, if any, is due on or before November 22, 2010.

DATED October 29, 2010.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge