

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 16-10911-GAO

GREGG C. MCALLISTER and NATALIE M. MCALLISTER,
Plaintiffs,

v.

COUNTRYWIDE HOME LOANS, INC., BANK OF AMERICA, N.A.,
DITECH FINANCIAL LLC f/k/a GREEN TREE SERVICING LLC, and
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
Defendants.

ORDER
June 7, 2016

O'TOOLE, D.J.

The plaintiffs, Gregg C. McAllister and Natalie M. McAllister, acting *pro se*, have filed a motion for a temporary restraining order (“TRO”) and preliminary injunction seeking to stop a pending foreclosure sale of their home. That foreclosure sale is scheduled for June 9, 2016. The plaintiffs filed their Complaint and their initial motion for a TRO on May 19. The initial TRO request was denied without prejudice, subject to renewal after the plaintiffs had served the defendants with the summons and the Complaint. Proof of service as to every defendant had been filed as of May 26. The Court then held a status conference on June 1, but none of the defendants appeared. It is not clear whether they had notice of the conference. On June 2, attorney notices of appearance were filed on behalf of defendant Ditech Financial LLC f/k/a Green Tree Servicing LLC (“Ditech”). The next day Ditech filed a written opposition to the plaintiffs’ motion.

The plaintiffs’ renewed request to temporarily restrain the foreclosure is granted so that a fuller hearing may be held on the motion for a preliminary injunction.

The McAllisters have raised a number of challenges to the foreclosure. Given the possibility of irreparable harm to the plaintiffs from the sale of their home, the balance of the equities tips in their favor for a short stay of the foreclosure sale.

Accordingly, the plaintiffs' Motion for Temporary Restraining Order (dkt. no. 14) is GRANTED in part as to its request to temporarily enjoin the defendants from foreclosing on the McAllisters' home. The clerk shall set a hearing on the plaintiffs' motion for a preliminary injunction for June 13, 2016, at 2:30 p.m.

The defendants, their officers, agents, servants, employees, and attorneys, and any other persons described in Fed. R. Civ. Pro. 65(d)(2) are hereby RESTRAINED AND ENJOINED from conducting a foreclosure sale of the plaintiffs' home, located at 31 Cutler Drive, Ashland, MA, 01721, until further order of the Court or the expiration of this Order (or any extension hereof). The Court, in its discretion, declines to require the plaintiffs to post a security for this injunction.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge