

MORRIS LAW GROUP

900 BANK OF AMERICA PLAZA • 300 SOUTH FOURTH STREET • LAS VEGAS, NEVADA 89101
702/474-9400 • FAX 702/474-9422

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MORRIS LAW GROUP
Robert McCoy, Bar No. 9121
Email: rrm@morrislawgroup.com
Rex D. Garner, Bar No. 9401
Email: rdg@morrislawgroup.com
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 474-9400
Facsimile: (702) 474-9422

Attorneys for Federal Deposit
Insurance Corporation, as Receiver
for Community Bank of Nevada

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY B. GUINN, individually
and as Trustee of the DEL MAR
TRUST, et al.

) Case No. 2:09-cv-01809-PMP-CWH

)
)

PRELIMINARY INJUNCTION

Plaintiff/Counterdefendant,

)

vs.

)
)

FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER
FOR COMMUNITY BANK OF
NEVADA; DO INDIVIDUALS I-XX,

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Defendant/Counterclaimant.

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Defendant/Counterclaimant the Federal Deposit Insurance
Corporation's, as Receiver for Community Bank of Nevada ("FDIC-R"),
Motion for Preliminary Injunction was heard on October 2, 2013 at 1:30
p.m. Plaintiffs/Counterdefendants Jeffrey and Monica Guinn (the
"Guinns") received notice of the motion and hearing and attended. The
Court, having considered the FDIC-R's motion (#243), the Declaration of

1 Robert McCoy and exhibits in support of that motion, and the Guinns'
2 opposition (#146) finds as follows:

3 1. The FDIC-R has shown a likelihood of success on the
4 merits of its motion for a writ of execution against Falcon Talon, LLC
5 ("Falcon Talon"). The Court will address that motion after it is fully
6 briefed.

7 2. The FDIC-R has shown a possibility of harm if a
8 preliminary injunction is not ordered because there is the possibility of the
9 Guinns spending or moving the funds held in the Falcon Talon bank
10 accounts before the Court can rule on the FDIC-R's motion for a writ of
11 execution.

12 3. The balance of equities favors ordering a preliminary
13 injunction against the Guinns because denial of a preliminary injunction
14 would allow the Guinns unfettered access to any funds in the Falcon Talon
15 bank accounts, whether held at Bank of Nevada, Wells Fargo, or any other
16 financial institution, which could hinder the FDIC-R's ability to collect on
17 its outstanding judgments.

18 4. Entering a preliminary injunction against the Guinns is in
19 the public interest because the FDIC-R is an agency of the federal
20 government and is tasked with the objective of collecting on the assets of a
21 failed bank.

22 5. The FDIC-R is not required to post a bond for a
23 preliminary injunction pursuant to 12 U.S.C. § 1822(a).

24 **IT IS HEREBY ORDERED THAT:**

25 1. The FDIC-R's Motion for Preliminary Injunction is
26 granted in part.

27 2. Jeffrey and Monica Guinn, along with their officers,
28 agents, servants, employees, and all persons in active concert or

1 participation with one or both of them, are enjoined from transferring or
2 removing any funds from any bank accounts held in the name of Falcon
3 Talon, LLC at Bank of Nevada, Wells Fargo, or any other financial
4 institution, except as follows for reasonable and necessary living expenses:

- 5 a. One rent payment per month in the amount of
6 \$2,340;
- 7 b. One payment per month per vehicle in the total
8 amount of \$ 1,306 and other attendant
9 transportation costs;
- 10 c. Utilities;
- 11 d. Insurance;
- 12 e. Food and groceries;
- 13 f. Necessary medical expenses; and
- 14 g. Education expenses.


15 3. In the event that any allowable expense(s) under this
16 order (except the mortgage and car payment) will exceed \$1,000.00 total
17 per month in any one of the categories enumerated above, the Guinns must
18 give notice of such expenditure(s) that would cause the expenses in that
19 category to exceed \$1,000 to the FDIC-R.

20 4. Jeffrey and Monica Guinn, along with their officers,
21 agents, servants, employees, and all persons in active concert or
22 participation with one or both of them, are enjoined from transferring or
23 disposing of any funds from any bank accounts held in the name of Falcon
24 Talon, LLC at Bank of Nevada, Wells Fargo, or any other financial
25 institution.

26 5. This Preliminary Injunction shall remain in effect until
27 further order of this Court.
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6. The FDIC-R does not need to post any bond for this Preliminary Injunction to take effect.


UNITED STATES DISTRICT JUDGE

DATED: October 8, 2013