

<sup>24</sup> Motion for Preliminary Injunction was heard on October 2, 2013 at 1:30

- <sup>25</sup> p.m. Plaintiffs/Counterdefendants Jeffrey and Monica Guinn (the
- <sup>26</sup> "Guinns") received notice of the motion and hearing and attended. The
- Court, having considered the FDIC-R's motion (#243), the Declaration of

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

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

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

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

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

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

## **IT IS HEREBY ORDERED THAT:**

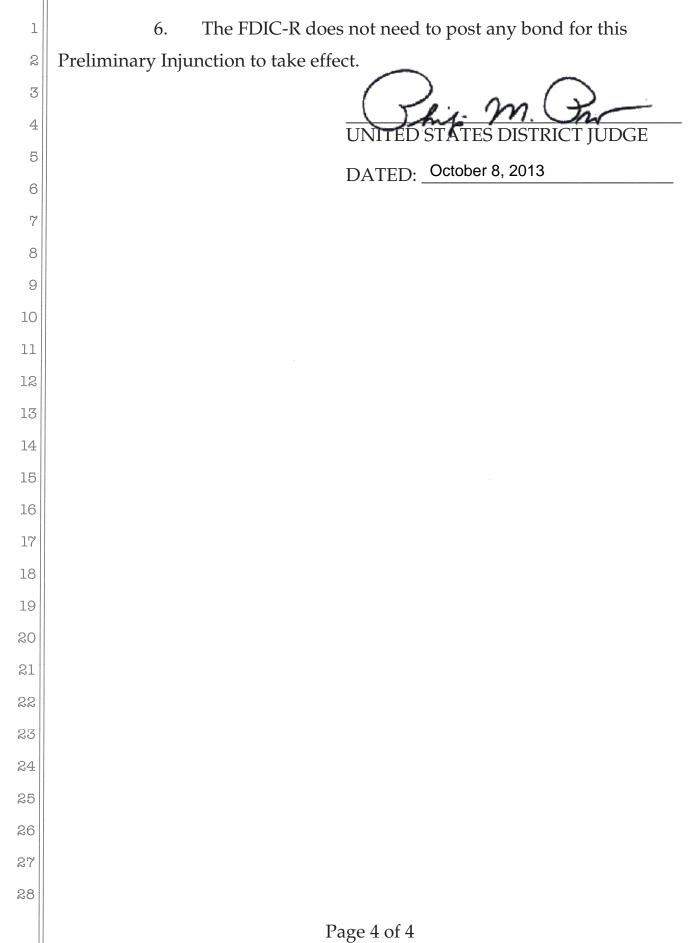
The FDIC-R's Motion for Preliminary Injunction is 1. 25 granted in part. 26

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

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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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