

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

ALECIA N. ROBINS; JAMES T. ROBINS; )  
BETTY D. ROBINS, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE WOLF FIRM, a law corporation; FIRST )  
UNITED MORTGAGE; CHICAGO TITLE; )  
COUNTRYWIDE HOME LOANS; )  
WASHINGTON FEDERAL SAVINGS; DOES )  
I-X; ROES I-X, inclusive, )  
 )  
Defendants. )

Case No.: 2:10-cv-00424-RLH-PAL

**ORDER**

(Emergency Motion to Stay a Wrongful Foreclosure Sale-#11)

Before the Court is an **Emergency Motion to Stay a Wrongful Foreclosure Sale** (#11), filed at 10:04 p.m. on June 23, 2010, by Plaintiffs’ counsel Jeffrey D. Conway. Curiously, the Motion seeks to prevent a “wrongful” foreclosure sale scheduled for 10:00 a.m. on June 23. That is, counsel filed the Motion approximately 12 hours *after* the foreclosure sale was scheduled to occur.

The timing of Mr. Conway’s filing is similar to his timing in filing Plaintiffs’ previous motion for a temporary restraining order (Dkt. #4), which he filed the day before the then-scheduled foreclosure sale. (*See* Dkt. #5, Order 2.) This motion thus establishes a pattern of

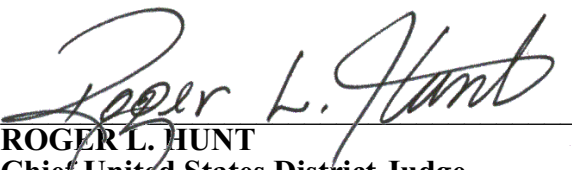
1 eleventh-hour or even after-the-fact filings from Plaintiffs, which undermines the alleged sincerity  
2 and urgency of their motions. Even so, the Court denies Plaintiffs' Motion to Stay not on its  
3 untimeliness, but on its merits.

4 In the Motion, Plaintiffs request that the Court prevent the foreclosure sale until  
5 they can file another motion for a temporary restraining order. Plaintiffs request the stay because  
6 Mr. Conway has left his prior law firm and needs additional time to obtain signatures needed to  
7 continue to represent Plaintiffs. Accordingly, "there has been unanticipated delay in obtaining all  
8 signatures required for substitution of counsel." (Dkt. #11, Mot. to Stay 1.) Plaintiffs also  
9 claim—without evidence or argument of any sort—that they "are likely to win on the merits." (*Id.*  
10 2.) In short, Plaintiffs request that the Court issue an injunction temporarily staying the foreclosure  
11 sale of their home until they can file a motion for a temporary restraining order. Plaintiffs cite no  
12 authority or standard that would permit the Court to issue such a stay—there is simply no basis for  
13 the Court to impose it.

14 Accordingly, and for good cause appearing,

15 IT IS HEREBY ORDERED that Plaintiffs' Emergency Motion to Stay a Wrongful  
16 Foreclosure Sale (#11) is DENIED.

17 Dated: June 29, 2010.

18  
19   
20 **ROGER L. HUNT**  
21 **Chief United States District Judge**  
22  
23  
24  
25  
26