

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
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES SONG, et al., <p style="text-align: center;">v.</p> MTC FINANCIAL, INC., et al.,	Plaintiff(s), Defendant(s).	Case No. 2:18-CV-757 JCM (PAL) <p style="text-align: center;">ORDER</p>
-----------------------------------------------------------------------------------------------	----------------------------------------	---------------------------------------------------------------------------------------

Presently before the court is James Song and Adrienne Song’s (“plaintiffs”) motion for preliminary injunction. (ECF No. 9).

Also before the court is plaintiffs’ motion for an order shortening time for the plaintiffs’ motion for preliminary injunction. (ECF No. 10).

The instant action arises out of dispute over real property located at 2903 La Mesa Drive, Henderson, NV 89014 between plaintiffs and MTC Financial Inc., Wells Fargo Bank, N.A., MLCC 2003-A, Bank of America, N.A., PHH Mortgage Corporation, and Michael Danlag (collectively “defendants”). (ECF No. 9).

On March 30, 2018, plaintiffs filed their complaint in the Eighth Judicial District Court. (ECF No. 9). On April 20, 2018, the state court granted plaintiffs’ application for a temporary restraining order, enjoining defendants from taking any action to foreclose on the property. *Id.* The court ordered plaintiffs post a bond in the amount of \$10,000. *Id.* Plaintiffs posted such bond on April 23, 2018. *Id.*

A preliminary injunction hearing was scheduled in state court for May 1, 2018. (ECF No. 10). However, on April 25, 2018, defendants filed a notice of removal of the action to federal

1 district court. (ECF No. 9). As a result, plaintiffs are barred from seeking a preliminary injunction
2 in state court during the pendency of the federal action. Id.

3 On May 7, 2018, plaintiffs filed a motion for preliminary injunction in this court. (ECF
4 No. 9). As plaintiffs' temporary restraining order issued in state court expired on May 9, 2018,
5 plaintiffs request that this court schedule a hearing regarding its motion for preliminary injunction
6 as soon as possible. (ECF No. 10). Plaintiffs argue that "time is of the essence to preserve the
7 status quo prior to the irreparably [sic] harm of the [p]laintiffs losing their home to wrongful
8 foreclosure." (ECF No. 10 at 3).

9 The court will honor the state court's temporary restraining order and grant plaintiffs'
10 request to maintain the status quo. Defendants are enjoined from taking any action to foreclose on
11 the property. Further, given the defendants' outstanding motion to dismiss filed on May 2, 2018,
12 the court will stay any foreclosure proceedings until the resolution of that motion.

13 Accordingly,

14 IT IS HEREBY ORDERED that plaintiffs' motion for an order shortening time for the
15 plaintiffs' motion for preliminary injunction (ECF No. 10) be, and the same hereby is, GRANTED
16 consistent with the following.

17 IT IS FURTHER ORDERED that a preliminary injunction hearing is set for **Thursday,**
18 **May 24, 2018, at 10:30 a.m.** in courtroom 6A.

19 IT IS FURTHER ORDERED that pending the preliminary injunction hearing, defendants
20 are enjoined from taking any action to foreclose on the property.

21 IT IS FURTHER ORDERED that responses, if any, to plaintiffs' motion for preliminary
22 injunction shall be filed on or before May 18, 2018. Replies, if any, shall be filed on or before
23 May 21, 2018.

24 DATED May 11, 2018.

25 
26 _____
UNITED STATES DISTRICT JUDGE