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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MAX T. CARTER, JR. and SUNDAE L.
CARTER, Husband and Wife, as Joint
Tenants,

Plaintiff,

v.

SABLES, LLC, a Nevada Limited Liability
Company, *et al.*,

Defendants.

Case No. 3:17-cv-00594-MMD-WGC

ORDER

On September 26, 2017, Plaintiffs initiated an action challenging attempted foreclosure on their property based in part on purported improper securitization and assignment of the note and deed of trust that encumbered the property at issue. (ECF No. 1.) On the same date, Plaintiffs filed an ex parte emergency motion for temporary restraining order ("the Motion") to prevent a foreclosure sale scheduled for September 28, 2017. (ECF No. 3.) The Motion fails to comply with LR 7-4. For example, Plaintiffs fail to certify that any attempt to meet and confer has been made or why the nature of the emergency precluded such a conference. See LR 7-4(a)(3). Moreover, Plaintiffs fail to explain when they received the Notice of Trustee's Sale for the Court to assess why they waited until two days before the sale to file this action and to seek an emergency temporary restraining order on an ex parte basis. The Court has also taken a quick look at the Motion and the complaint and question whether Plaintiffs will likely succeed on the merits to warrant the drastic remedy of a temporary restraining order. For these reasons,

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Plaintiff's request for the Court to consider the Motion on an emergency basis and ex parte is denied. Plaintiffs are directed to serve Defendants. The normal briefing schedule will apply upon proper service of process.

DATED THIS 27th day of September 2017.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE