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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

**PATRICK H. MCGUIRE and**  
**LISA ANN MCGUIRE,**

**Plaintiffs,**

**vs.**

**ANNE MARIE CAREY, et al.,**

**Defendants.**

**Case No.: 3:20-cv-00249-RCJ-CLB**

**ORDER**

Before this Court is a verified motion for preliminary injunction by Plaintiffs Patrick H. McGuire and Lisa Ann McGuire (collectively, “the McGuires”) [#20] to stay Defendants City of Reno and Joseph Henry (collectively, “the City”) from their impending administrative enforcement action to record a notice of violation on the title to their property, a single-family residence located at 1640 Watt Street, in Reno, Nevada. Defendants/Cross-claimants Anne Marie Carey and Carey Trust (collectively, “the Careys”) joined the motion [#22]. The City responded in opposition [#33]. The McGuires replied [#20]. The City moved to strike the reply [#40].

The Court provided the parties with an opportunity to present witness testimony for the Court’s consideration by declaration or affidavit [#39]. Plaintiff Patrick McGuire [#44] and

1 Defendant/Cross-claimant Anne Marie Carey [#45] submitted declarations in support of the  
2 motion for preliminary injunction. The City did not present a declaration or affidavit in support  
3 of its opposition.

4 On July 28, 2020 at 10:00 a.m., the Court held a hearing on the McGuires' motion for  
5 preliminary injunction via Zoom Video Conference. Counsel for all parties made appearances.  
6 Plaintiff Patrick McGuire and Defendant/Cross-claimant Anne Marie Carey attended. Counsel  
7 for the McGuires, the City, and the Careys presented oral argument. Counsel for Defendants  
8 Re/Max, LLC and Re/Max Holdings, Inc. as well as counsel for Defendants Antonette Shaw and  
9 Maxed Professionals, LLC submitted on the matter without taking a position.

10 Counsel for all parties have met, conferred, and approve the form of this Order.

11 Based upon the parties' briefs, exhibits thereto, the supporting declarations, and the  
12 argument of counsel at the hearing, and good cause appearing thereon:  
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14 1. IT IS HEREBY ORDERED that the McGuires' pending motion for preliminary  
15 injunction will be treated as a motion for temporary restraining order.  
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17 2. IT IS FURTHER ORDERED the McGuires' motion for a temporary restraining  
18 order is GRANTED. The City is enjoined from issuing any further notices of violation or  
19 recording a notice of violation on the title to the McGuires' property from Tuesday, July 28,  
20 2020 to Monday, August 17, 2020. Counsel for all parties acknowledged that a temporary  
21 restraining order may last no more than fourteen (14) days. Pursuant to party agreement, this  
22 temporary restraining order may be automatically extended for an additional six (6) days, that is  
23 up until August 17<sup>th</sup>, to afford the parties time for limited discovery prior to the next hearing .  
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25 3. IT IS FURTHER ORDERED that the City's motion to strike is DENIED.  
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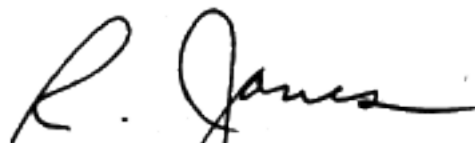
1 4. IT IS FURTHER ORDERED that the McGuires' motion for leave to propound  
2 limited written discovery is GRANTED. Plaintiff Patrick McGuire, Plaintiff Lisa McGuire,  
3 Defendant Anne Marie Carey, Defendant Carey Trust, Defendant Joseph Henry, and Defendant  
4 City of Reno may each propound up to ten (10) sworn interrogatories to each other. These  
5 interrogatories must be sent by email on or before the close of business (5 p.m.) on Monday,  
6 August 3, 2020. Sworn responses must be returned via email on or before the close of business  
7 (5 p.m.) on Friday, August 7, 2020.

9 5. IT IS FURTHER ORDERED that the parties' mutual request for additional  
10 briefing on this matter is GRANTED. The McGuires, the Careys, and the City may each submit  
11 one additional brief, not to exceed ten (10) pages in length (exclusive of exhibits), in support of  
12 their respective positions. Each brief may attach exhibits, declarations, and sworn interrogatories  
13 for the Court's consideration. The deadline to submit these briefs is the close of business  
14 (5 p.m.) on Tuesday, August 11, 2020.

16 6. IT IS FURTHER ORDERED this Court will hold an in-person hearing in the  
17 United States District Court of Nevada, Reno Branch, on Monday, August 17, 2020 at 10 a.m. to  
18 decide whether to issue a preliminary injunction in this matter. All parties and counsel must  
19 wear masks upon entry, maintain at least six (6) feet of social distancing from each other, and  
20 avoid physical contact with courtroom personnel (absent exigent circumstances).

22 IT IS SO ORDERED

23 DATED: July 30, 2020

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26 ROBERT C. JONES  
27 United States District Judge  
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