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JAN 24 2011
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

EDDIE YAU and GLORIA YAU, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

DEUTSCHE BANK NATIONAL TRUST COMPANY AMERICAS, and AURORA LOAN SERVICES, LLC, Inclusive,

Defendants.

CASE NO. SACV11-6 JVS (RNBx)
Assigned to the Hon. James V Selna

[Proposed] TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

[Proposed TRO/OSC under Separate Cover]

After considering the moving papers filed in this action, the Court finds (1) that this is a proper case for issuance of an order to show cause, and (2) that, unless the Court issues a temporary restraining order, plaintiffs Eddie Yau, Gloria Yau and the Class will suffer irreparable injury before the matter can be heard on formal notice.

///

IT IS SO ORDERED that:

1. Pending the hearing on the order to show cause, DEFENDANTS Deutsche Bank National Trust Company Americas, and Aurora Loan Services, LLC and their agents, representatives, and employees including Aurora Loan Service, LLC's agent, including but not limited to Quality Loan Services Corp. from engaging in or performing the following acts including those marked with an "x":

- ☑ Selling, transferring or otherwise encumbering the homes of plaintiffs or any putative class member for which notice has been given without prior approval and order by this Court.
- ☑ Buying the homes of plaintiffs or any putative class member for which notice has been given without prior approval and order by the Court.
- ☑ Listing for sale the homes of plaintiffs or any putative class member for which notice has been given;
- ☑ Showing or attempting to show the home of the plaintiff or putative class to another;
- ☐ ~~Harrass, annoy, vex, stalk or embarrass the plaintiffs or any member of the putative class or any members of their home;~~
- ☑ Defendants must notify all of their agents of this order within 1 hour of this order as to the restraining of the sale of the homes set for foreclosure this week.
- ☑ Any further relief this Court may deem equitable and just to protect the named plaintiffs and Class and to preserve the Court's power to render a final judgment that is meaningful in this action.
- ☑ Any further equitable relief may be brought by noticed motion by the plaintiffs.

IT IS FURTHER ORDERED

Defendants shall cease prosecution immediately of

☑ All state court actions ~~are hereby IMMEDIATELY STAYED~~ that have been brought against the plaintiffs or any member of the putative class, including but not limited to the state action titled *JAMKE, A California General Partnership v John Frank Barajas aka Frank Barajas and Gloria Barajas*, Case number 661690 located at the Stanislaus County Superior Court

☐ ~~Defendants are to make an inquiry of their agents and notify plaintiffs' counsel within 24 hours of any and all state actions filed against the plaintiffs or the home of~~ any putative class member for which notice ~~have been~~ given;

☑ DEFINITIONS:

Notice means the communication of the name and addresses of the homes of the putative class through email, fax, overnight delivery or the US Mail.

Selling, transferring or encumbering includes but is not limited to, transferring any liens, title, deeds, notarizing, filing, or recording any documents on the property, serving any documents on the homes of any of the putative class, including Unlawful detainer actions, 3 Day Notices to Quit, Notice of Owner, listing any of the properties for sale on their own books, websites, or through a listing agent, foreclosure auctions, short sales, deed in lieu of foreclosure transfers.

~~Harassment includes~~ serving by hand, mail, email or fax, any paper purporting to be a 3 Day Notice to Quit, Notice of Owner/Sale, Unlawful Detainer Action, Eviction Notice, Pay or Quit Notice or any other type of paper upon any member at the home of the plaintiff or the putative class member for whom notice has been given

☐ ~~Plaintiffs who have not yet made a deposit in court are to make monthly~~ payments to the Court in the amount of $_____ as a bond pending the hearing on the injunction in this case.

☐ _____

☐ _____

☐ _____

In which notice has been given

☐ _____

IT IS SO ORDERED that:

2. Defendants Deutsche Bank National Trust Company Americas, and Aurora Loan Services, LLC and their agents, representatives, and employees, including but not limited to Aurora Loan Service, LLC's agent, Quality Loan Services Corp. appear before this court at 411 West Fourth Street, Santa Ana, California, on JAN 28, 2011 at 3:00 PM in Courtroom 10C of the above-captioned court to show cause why a preliminary injunction should not issue enjoining Deutsche Bank National Trust Company Americas, and Aurora Loan Services, LLC and their agents, representatives, and employees including Aurora Loan Service, LLC's agent, Quality Loan Services Corp. from engaging in or performing the following acts marked with an "x":

☑ Selling, transferring or otherwise encumbering the homes of plaintiffs or any putative class member for which notice has been given without prior approval and order by this Court.

☑ Buying the homes of plaintiffs or any putative class member for which notice has been given without prior approval and order by the Court.

☑ Listing for sale the homes of plaintiffs or any putative class member for which notice has been given;

☑ Showing or attempting to show the home of the plaintiff or putative class member for whom notice has been given to another;

☐ ~~Harass, annoy, vex, stalk or embarrass the plaintiffs or any member of the putative class or any members of their home;~~

☑ Defendants must notify all of their agents of this order within 1 hour of this order as to the restraining of the sale of the homes set for foreclosure this week.

☑ Any further relief this Court may deem equitable and just to protect the named plaintiffs and Class and to preserve the Court's power to render a final judgment that is meaningful in this action.

☑ Any further equitable relief may be brought by noticed motion by the ~~plaintiffs~~.

☑

IT IS FURTHER ORDERED

Defendants shall cease prosecution immediately of

☑ All state court actions ~~are hereby IMMEDIATELY STAYED~~ that have been brought against the plaintiffs or any member of the putative class, including but not limited to the state action titled *JAMKE, A California General Partnership v John Frank Barajas aka Frank Barajas and Gloria Barajas*, Case number 661690 located at the Stanislaus County Superior Court

for whom notice has been given,

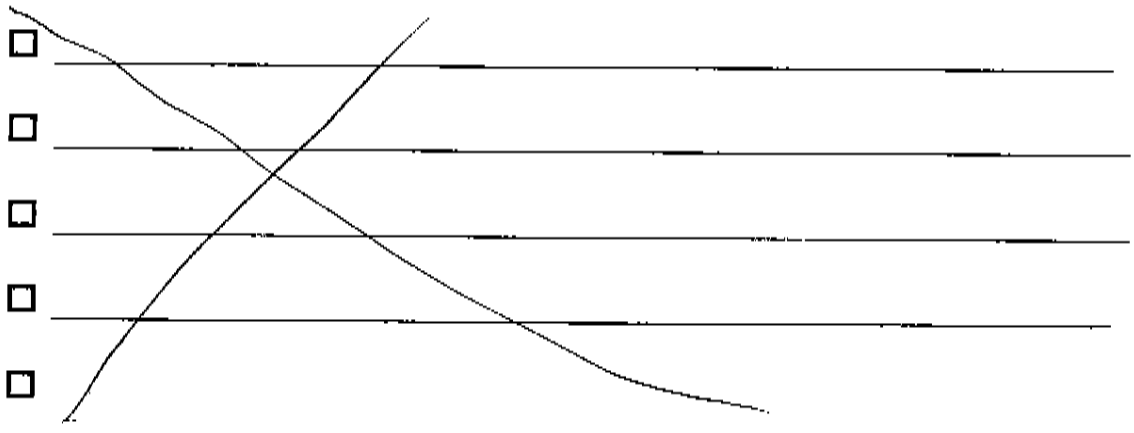
☐ ~~Defendants are to make an inquiry of their agents and notify plaintiffs' counsel within 24 hours of any and all state actions filed against the~~ plaintiffs or the home of any putative class member for which notice ~~have~~ has been given;

☑ DEFINITIONS:

Notice ~~means the communication~~ of the name and addresses of the homes of the putative class through email, fax, overnight delivery or the US Mail.

Selling, transferring or encumbering includes but is not limited to, transferring any liens, title, deeds, notarizing, filing, or recording any documents on the property, serving any documents on the homes of any of the putative class, including Unlawful detainer actions, 3 Day Notices to Quit, Notice of Owner, listing any of the properties for sale on their own books, websites, or through a listing agent, foreclosure auctions, short sales, deed in lieu of foreclosure ~~transfers~~.

~~Harassment includes~~ serving by hand, mail, email or fax, any paper purporting to be a 3 Day Notice to Quit, Notice of Owner/Sale, Unlawful Detainer Action, Eviction Notice, Pay or Quit Notice or any other type of paper upon any member at the home of the plaintiff or the putative class, for whom notice has been given



IT IS SO ORDERED that:

3. Defendants Deutsche Bank National Trust Company Americas, and Aurora Loan Services, LLC and their agents, representatives, and employees, including but not limited to Aurora Loan Service, LLC's agent, Quality Loan Services Corp. appear before this court at 411 West Fourth Street, Santa Ana, California, on Jun 28, 2011 at 1:30 PM in Courtroom 10C of the above-captioned court to show cause why defendants Deutsche Bank National Trust Company Americas, and Aurora Loan Services, LLC and their agents, representatives, and employees including Aurora Loan Service, LLC's agent, Quality Loan Services Corp. should not be held in contempt of court. For purposes of this Order, the following definitions shall apply:

1. "**Defendants**" means the Individual Defendants and Corporate Defendant, individually, collectively, or in any combination.
2. "**Document**" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes electronically stored information, writings, drawings, graphs, charts, sound recordings, images and other data compilations

from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

3. "**Material**" means likely to affect a person's choice of, or conduct regarding, goods or services.

4. The terms "**and**" and "**or**" shall be construed conjunctively or disjunctively as necessary to make the applicable phrase or sentence inclusive rather than exclusive.

Defendants' ex Parte response to the Order to show cause re preliminary injunction and order to show cause re contempt shall be filed and served no later than 9:00 AM on Jan 27, 2011.

Dated: 1.24.11 11:46 AM

THE HONORABLE JAMES V. SELNA
JUDGE OF THE UNITED STATES DISTRICT COURT

Nothing herein limits the Court's order of January 19, 2011 (Docket No. 20) JVS 1.24.11