

Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGEVALENCIA VALLERY

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)

None Present

Attorneys Present for Defendant(s)

None Present

Proceedings: IN CHAMBERS—ORDER DENYING PLAINTIFF'S *EX PARTE* APPLICATION FOR A TEMPORARY RESTRAINING ORDER [DOC. # 25]

On August 23, 2012, Plaintiff filed an *ex parte* application (the "Application") for a temporary restraining order ("TRO") [Doc. # 25]. Plaintiff alleges claims for: (1) quiet title to real property located in Santa Barbara, CA (the "subject property"); (2) breach of contract; (3) fraudulent concealment; (4) intentional misrepresentation; (5) fraudulent inducement; (6) wrongful foreclosure; (7) violations of the federal Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 *et seq.*; (8) violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. 1961-62; and (9) violations of 18 U.S.C. § 1503. Plaintiff seeks an order enjoining Defendants from continuing any foreclosure-related activity with respect to the subject property until the conclusion of judicial proceedings.

vs.

BANK OF AMERICA
CORPORATION, SELECT
PORTFOLIO SERVICING,
HARBOR VIEW
MORTGAGE LOAN TRUST
2006-12 and WELLS
FARGO BANK LTD., as
Trustee; Mortgage Electronic
Registration Systems, Inc;
Judge Donna Geck, Judge
Philip Gutierrez, Judge Fink,
Real Time Resolutions, Allen
Matkins Leck Gamble
Mallory & Natsis LLP, Bryan
Cave, John Lauritson, Gina
Albertson and DOES 1 - 10

- 1) Quiet Title (Rescission and cancellation of written instrument: CA Civil Code 3412); misstatements and omissions in SEC Documents
- 2) Declaratory and Injunctive Relief Pursuant to 28 U.S.C. 2201, 2202; 28 U.S.C. 1331, 1333, 1367
- 3) Breach of Contract, Cal. Civ. Code §2924.
- 4) Fraud: 42 U.S.C. 1986, Concealment, Misrepresentation & Inducement & CA CC 1571, 1572 and 1573
- 5) Violation of Fair Debt Collection Practice Act 15 U.S.C. §1692a.
- 6) RICO: Conspiracy to Commit Fraud Contractive Fraud, Common Law Fraud-Concealment, Fraud Upon the Court & Mail Fraud Extortion, based upon 18 U.S.C. §1961 & 1962(a)(1)-(3) & 18 U.S.C.