

FILED
ENDORSED
2014 MAR 27 PM 3:36
LEGAL PROCESS #6

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9 **THADDEUS J. POTOCKI and KELLY R. DAVENPORT**

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12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF SACRAMENTO**

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12 THADDEUS J. POTOCKI and KELLY R.
13 DAVENPORT,

14 Plaintiffs,

15 vs.

16 WELLS FARGO BANK, N.A.; FIRST
17 AMERICAN SERVICING SOLUTIONS, LLC;
18 U.S. BANK, N.A.; and DOES 1 through 100,
19 inclusive,

20 Defendants.

CASE NO.: 34-2014-00160873

**NOTICE OF EX PARTE
APPLICATION AND EX PARTE
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER AND AN
ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT BE ISSUED**

*[Filed concurrently with Plaintiffs'
Memorandum of Points and Authorities in
Support; Declaration of Ted A. Greene,
Esq.; [Proposed] Temporary Restraining
Order and Order to Show Cause]*

Date: March 28, 2014
Time: 2:30 PM
Dept.: 53

LAW OFFICES OF TED A. GREENE, INC.
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1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEY(S) OF RECORD:
2 PLEASE TAKE NOTICE that on 3/28/14 at 2:30 a.m.(p.m.) in Department
3 53 of the Superior Court of California for the County of Sacramento, located at 800 9th Street,
4 Sacramento, California 95814, Plaintiffs, THADDEUS J. POTOCKI and KELLY R.
5 DAVENPORT, will move ex parte, and hereby moves the above-entitled court pursuant to Code
6 of Civil Procedure section 527 and Civil Code section 2924.12, *et seq.* for a Temporary
7 Restraining Order and for an Order to Show Cause why the Court should not issue a Preliminary
8 Injunction.

9 Ex Parte relief is appropriate and necessary as there is a Trustee's Sale scheduled for
10 April 1, 2014 to sell Plaintiff's home located at 3410 West Country Club Lane, Sacramento,
11 California 95821 and that Plaintiff is the victim of the foreclosure in violation of the Homeowner
12 Bill of Rights ("HOBR") for which a Complaint has been filed with the above-entitled Court on
13 March 27, 2014, and upon which Plaintiffs have a high likelihood of success on the merits.

14 Plaintiffs will suffer irreparable harm if the status quo is not preserved by the power of
15 this Court to enjoin defendant U.S. Bank, N.A., its agent Wells Fargo Bank, N.A. and its
16 foreclosing trustee First American Servicing Solutions from advertising, holding, conducting or
17 participating in any foreclosure sale and/or Trustee's Sale of Plaintiffs' real property and home in
18 violation of the California HBOR as Codified in the California Civil Code which expressly
19 provides for the Plaintiff's requested injunctive relief herein.

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DATED: March 27, 2014

Respectfully submitted,

LAW OFFICES OF TED A. GREENE, INC.

By: 
Ted A. Greene, Esq.
Attorney for Plaintiff