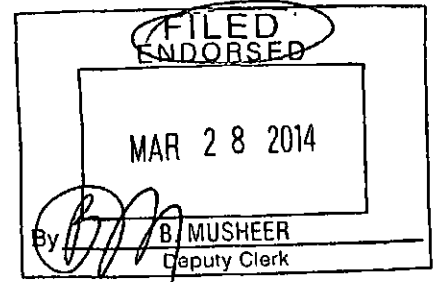


1 Ted A. Greene, Esq. (SBN: 220392)
2 **LAW OFFICES OF TED A. GREENE, INC.**
3 1912 F Street, Suite 110
4 Sacramento, California 95811
5 Telephone: (916) 442-6400
6 Facsimile: (916) 266-9395
7 Email: tgreene@tedgreenelaw.com

8 Attorneys for Plaintiffs,
9 **THADDEUS J. POTOCKI and KELLY R. DAVENPORT**



10
11
12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF SACRAMENTO**

14 THADDEUS J. POTOCKI and KELLY R.
15 DAVENPORT,

16 Plaintiffs,

17 vs.

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

22 Defendants.

23 **CASE NO.: 34-2014-00160873**

24 **NOTICE OF EX PARTE**
25 **APPLICATION AND EX PARTE**
26 **APPLICATION FOR A TEMPORARY**
27 **RESTRAINING ORDER AND AN**
28 **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: 9:15 a.m.

Dept.: 53

LAW OFFICES OF TED A. GREENE, INC.
1912 F Street, Suite 110, Sacramento, California 95811
Telephone: (916) 442-6400

LAW OFFICES OF TED A. GREENE, INC.
1912 F Street, Suite 110, Sacramento, California 95811
Telephone: (916) 442-6400

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEY(S) OF RECORD:

2 PLEASE TAKE NOTICE that on March 28, 2014 at 9:15 a.m., in Department 53 of the
3 Superior Court of California for the County of Sacramento, located at 800 9th Street, Sacramento,
4 California 95814, Plaintiffs, THADDEUS J. POTOCKI and KELLY R. DAVENPORT, will
5 move ex parte, and hereby moves the above-entitled court pursuant to Code of Civil Procedure
6 section 527 and Civil Code section 2924.12, *et seq.* for a Temporary Restraining Order and for
7 an Order to Show Cause why the Court should not issue a Preliminary Injunction.

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

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

19

20 DATED: March 27, 2014

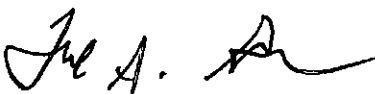
Respectfully submitted,

21

LAW OFFICES OF TED A. GREENE, INC.

22

23

By: 

Ted A. Greene, Esq.
Attorney for Plaintiff

24

25

26

27

28

RECEIVED
IN DROP BOX

2014 MAR 28 AM 9:00

DOWNTOWN COURTHOUSE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO