

FILED

10 OCT 22 AM 11:13

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:



1 KAVEH KHAST
2 7234 Encelia Dr.
3 La Jolla, California 92037
4 Phone: (858) 250-7620

5 In Pro Se

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7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 KAVEH KHAST
12
13 Plaintiff,
14 vs.
15 WASHINGTON MUTUAL BANK;
16 JP MORGAN CHASE BANK;
17 CALIFORNIA RECONVEYANCE
18 COMPANY, and DOES 1-10 INCLUSIVE
19 Defendants

Case No. 10 CV 2168 IEG (JMA)

NOTICE OF MOTION AND MOTION
FOR PRELIMINARY INJUNCTION

[Fed. Rules Civ. Proc. 65 et seq.]

Date: To be Determined

Time:

Courtroom: 1, Hon. Irma E. Gonzalez

20 TO ALL PARTIES AND RESPECTIVE COUNSEL HEREIN,
21 NOTICE IS HEREBY GIVEN, that on the date and time hereinafter set forth, or as soon
22 thereafter as the matter may be heard, in Dept. 1 of the United States District Court Southern
23 District of California, located at 940 Front St., San Diego, California 92101, Plaintiff, Kaveh Khast,
24 will and hereby does move the Court for a Preliminary Injunction pursuant to F.R.C.P. Rule 65.

25 I. RELIEF SOUGHT

26 Plaintiff respectfully moves the Court for a preliminary injunction enjoining Defendants,
27 Fremont Investment and Loan, and their officers, employees, agents, assigns, attorneys and any
28



1 person(s) in active concert and participation with the Defendants, pending a trial on the merits and
2 final order in this action, from engaging in or performing any act to deprive Plaintiff of ownership
3 or possession of that real property commonly known as and located at: 7234 Encelia Dr., La Jolla
4 California 92037, ("Subject Property"), including but not limited to instituting, prosecuting or
5 maintaining foreclosure or sale proceedings on the Property, from recording any deeds or mortgages
6 regarding the Property or from otherwise taking any steps whatsoever to deprive Plaintiff of
7 ownership on the Property, and in particular from proceeding with the sale of the Property.

8 **II. GROUNDS FOR RELIEF**

9 1. The verified complaint and the affidavit of Kaveh Khast, which establish that, unless
10 restrained by this court, the Defendants, and each of them, will continue to perform the acts sought
11 to be enjoined.

12 2. As established by the verified complaint and the affidavit of Kaveh Khast and the
13 memorandum of points and authorities in support of this motion, if the Defendants continue to
14 perform the acts sought to be enjoined, Plaintiff will suffer immediate and irreparable harm. Absent
15 a preliminary injunction, Plaintiff will suffer the severe and irreparable harm of the foreclosure of his
16 property. Furthermore, money damages cannot fully compensate for the harm caused by Defendants'
17 present unlawful policies and practices.

18 3. As established by the verified complaint, the affidavit of Kaveh Khast, and the
19 memorandum of points and authorities, the Plaintiff is likely to succeed on the merits of this action.

20 4. As shown by the verified complaint, the affidavit Kaveh Khast, and the memorandum
21 of points and authorities, the injury to Plaintiffs, if Defendants are not enjoined, will substantially
22 exceed any foreseeable hardship to the Defendants. The issuance of a preliminary injunction will
23 cause the Defendants little if any hardship in that the preliminary injunction seeks only to preserve
24 the status quo. The Plaintiffs on the other hand stand to suffer substantial and irreparable harm if
25 the preliminary injunction is not ordered.

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27 /./././

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PROOF OF SERVICE

[F.R.C.P. Sec. II, Rule 4.1(a)]

UNITED STATES DISTRICT COURT) KHAIST v. JP MORGAN CHASE BANK, ET AL.
))
) §§: Case No: 10-CV-2168 IEG (JMA)
))
 SOUTHERN DISTRICT OF CALIFORNIA)

I am employed in the City of Carlsbad, County of San Diego, State of California. I am over the age of 18 years and not a party to the within mentioned action. My business address is 2725 Jefferson St., Carlsbad, California 92008. On October 21, 2010 I caused the document(s) named below to be served on the interested parties in this action as follows:

THOMAS STANFORD, ESQ.
CHASE HOME FINANCE
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127
FACSIMILE: (858) 605-3024

DOCUMENTS SERVED:

NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT MOTION FOR PRELIMINARY INJUNCTION;
DECLARATION OF PLAINTIFF KAVEH KHAIST IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

- (BY MAIL) I caused each envelope, with postage thereon fully prepaid, to be placed in the United States mail at Oceanside, California. I am readily familiar with the correspondence for mailing, said practice being that in the ordinary course of business, mail is to be deposited in the United States Postal Service the same day as it is placed for collection.
- (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee(s)
- (BY SUBSTITUTED SERVICE ON NATURAL PERSON, MINOR, CONSERVATEE, OR CANDIDATE) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household apparently in charge of the home, office, or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid), copies to the person served at the place where the copies were left.
- (BY FACSIMILE) I caused to be transmitted the document(s) described herein at approximately 3:00 p.m. via the Facsimile number(s) listed above. A copy of the transmission report(s) are attached hereto.

I hereby declare under penalty of perjury, under the laws of the State of California that the above is true and correct.

Executed on: October 21, 2010



 LINDA S. SHON

PROOF OF SERVICE
[F.R.C.P. Sec. II, Rule 4.1(a)]

UNITED STATES DISTRICT COURT) KHAST v. JP MORGAN CHASE BANK, ET AL.
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) §§: Case No: 10-CV-2168 IEG (JMA)
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SOUTHERN DISTRICT OF CALIFORNIA)

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CALIFORNIA RECONVEYANCE CO.
9200 OAKDALE AVE.
CHATSWORTH, CA 91506
FACSIMILE: (818) 775-2258

DOCUMENTS SERVED: NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT MOTION FOR PRELIMINARY INJUNCTION;
DECLARATION OF PLAINTIFF KAVEH KHAST IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

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