

1 LOEB & LOEB LLP
MARK D. CAMPBELL (SBN 180528)
2 mcampbell@loeb.com
KAREN R. THORLAND (SBN 172092)
3 kthorland@loeb.com
10100 Santa Monica Boulevard, Suite 2200
4 Los Angeles, California 90067-4120
Telephone: 310-282-2000
5 Facsimile: 310-282-2200

6 Attorneys for Plaintiff
BANK OF AMERICA CORPORATION
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 BANK OF AMERICA
12 CORPORATION, a Delaware
corporation,

13 Plaintiff,

14 v.

15 U.S. LOAN AUDITORS, LLC, a
16 California limited liability company;
SHANE BARKER, an individual;
17 JAMES SANDISON, an individual; and
DOES 1-10,

18 Defendants.
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Case No. 2:10-CV-01329-JAM-JFM
Date: August 4, 2010
Time: 9:30 a.m.
Ctrm: 6

**ORDER GRANTING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

1 Having considered the materials submitted by the parties in support of and in
2 opposition to the motion for preliminary injunction brought by Plaintiff Bank of
3 America Corporation (“Plaintiff”), it appears to the satisfaction of the Court that this
4 is a proper case for issuance of a preliminary injunction pursuant to Federal Rule of
5 Civil Procedure 65 and the relevant case law, because (1) Plaintiff will likely
6 succeed on the merits of its federal claims; and (2) unless a preliminary injunction as
7 prayed for issues before trial of this matter, Plaintiff will suffer immediate,
8 irreparable and continuing injury to its business, its business reputation and
9 goodwill. Moreover, the issuance of the preliminary injunction prayed for benefits
10 the general public, and will prevent future harm to consumers.

11 THE COURT ORDERS, ADJUDICATES, AND DECREES THAT, pending
12 a trial on the merits and a determination in this action:

13 Defendant U.S. Loan Auditors, LLC (“Defendant”), and each of its officers,
14 agents, employees, representatives, and all persons acting in concert or participating
15 with them are enjoined and restrained from engaging in or performing directly or
16 indirectly any and all of the following acts:

17 a. Engaging in false or misleading advertising with respect to its loan
18 audit and related legal services and/or violating Lanham Act § 43(a);

19 b. Publishing commercial advertisements or solicitations falsely stating
20 or suggesting that BOA (and/or its affiliates) has engaged in predatory lending
21 practices, has violated federal law in connection with the loans it has originated, or
22 is the subject of a “predatory lending investigation”; and

23 c. Using any of Plaintiff’s marks in its commercial advertisements
24 and/or solicitations.

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1 THE COURT FURTHER ORDERS, ADJUDICATES, AND DECREES
2 THAT:

3 a. Defendant is ordered to immediately remove from the market all
4 false or misleading advertising with respect to its loan audit and related legal
5 services including commercial advertisements or solicitations falsely stating or
6 suggesting that BOA (and/or its affiliates) has engaged in predatory lending
7 practices, has violated federal law in connection with the loans it has originated, or
8 is the subject of a “predatory lending investigation”; and

9 b. Plaintiff shall post a security, bond or undertaking in the amount of
10 \$5,000.00.

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12 Dated: August 11, 2010 _____
13 /s/ John A. Mendez
14 Hon. John A. Mendez
15 United States District Judge
16 United States District Court
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