

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 12-1167

JOHN E. HASKINS

vs.

RESIDENTIAL ASSET SECURITIZATION TRUST et al

MEMORANDUM OF DECISION AND ORDER ON PLAINTIFF'S
MOTION TO FOR PRELIMINARY INJUNCTION

On June 13, 2012 the plaintiff filed an emergency ex parte motion for a temporary restraining order (See P #2). So much of the motion seeking to prohibit the defendant Residential Asset Securitization Trust from proceeding with a foreclosure on June 14, 2012 was allowed. The matter was set for hearing on June 21, 2012. This court ultimately heard the matter on July 17, 2012. The court reviewed the request for a preliminary injunction including attachments, the opposition of Deutsche Bank and the arguments of the parties.

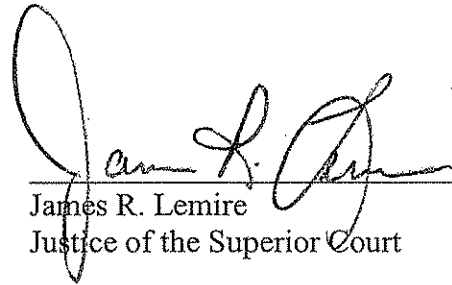
After hearing and consideration, the court is not satisfied that the plaintiff has made the necessary showing to substantiate the issuance of orders prohibiting the foreclosure in question. Based on the plaintiff's showing on the present record the court is unable to find that:

- (1) the defendant has met the likelihood of success standard required by *Packaging Industries Group, Inc., v. Cheney*, 380 Mass. 609, 616-17 (1980) and;
- (2) the moving party has failed to demonstrate that the denial of the injunction would create any substantial risk that it would suffer irreparable harm, *Id. (citing Sampson v. Murray*, 415 U.S. 61, 88(1974).

Since the remedy of a preliminary injunction should not be granted unless the moving party has “made a clear showing of entitlement thereto.” *Student No. 9 v. Board of Education*, 440 Mass. 752, 762 (2004) the plaintiff’s motions must be **DENIED**.

ORDER

For the foregoing reasons, it is hereby **ORDERED** that the plaintiff’s motion for dismiss preliminary injunction is **DENIED**.


James R. Lemire
Justice of the Superior Court

DATED: July 19, 2012