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7 Attorney Pro Se for Plaintiff Charles Carreon

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHARLES CARREON )

11 Plaintiff, )

12 vs. )

13 MATTHEW INMAN, INDIEGOGO, INC., )  
14 NATIONAL WILDLIFE FEDERATION, )  
15 AND AMERICAN CANCER SOCIETY, )  
16 and Does 1 – 100, )

17 Defendants, )

18 and )

19 KAMALA HARRIS, Attorney General of the )  
20 State of California, )

21 A Person To Be Joined If )  
22 Feasible Under F.R.Civ.P. 19. )

Case No.: CV-12-3112-EMC

**EX PARTE APPLICATION FOR  
TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION;**

**REQUEST TO ATTEND HEARING BY  
TELEPHONE**

Judge: Hon. Edward M. Chen  
Courtroom: 5, 17<sup>th</sup> Floor  
Date: To be set  
Time: To be set

23 TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN, PLEASE TAKE  
24 NOTICE THAT Plaintiff hereby moves this Court *ex parte* pursuant to Local Rule 65-1 and  
25 F.R.Civ.P. 65 for a Temporary Restraining Order and Order to Show Cause Regarding  
26 Preliminary Injunction, to enjoin defendant Indiegogo, Inc. (“Indiegogo”) pending trial of this  
27 action from transferring the proceeds of the Bear Love campaign in the amount of not less than  
28 \$220,014 (the “Charitable Fund”), or any amount at all, to Matthew Inman (“Inman”) or any  
other entity, and requiring that the Charitable Fund be held as segregated funds by Indiegogo  
pending distribution of the Charitable Fund to the designated beneficiaries of the Bear Love  
campaign, to wit, defendants, the American Cancer Society and the National Wildlife Federation.

1 This Application is made on the grounds that Plaintiff and all other donors to the  
2 Charitable Fund will be irreparably harmed without injunctive relief, because pursuant to the  
3 operative contract between Inman and Indiegogo, 96% of the Charitable Fund will be disbursed  
4 to Inman, because Inman has denied Plaintiff's request to relinquish all right, title and interest in  
5 the Charitable Fund, because if the funds are disbursed to Inman, they may be lost, dissipated,  
6 and diverted from the charities in the names of which they were solicited, and because if the  
7 funds are disbursed to Inman he will be unjustly enriched by the amount of a tax-write-off that  
8 should lawfully be distributed pro-rata among all of the donors to the Charitable Fund.

9 This Application is based on the First Amended Complaint on file in this action, the  
10 Memorandum of Points and Authorities submitted herewith, the Declaration of Charles Carreon,  
11 the files and records of the action, and such other evidence and argument the Court considers.

12 Notice of this Application has been and will be provided in compliance with Local Rule  
13 7-1- and 65-1. As averred in ¶ 32 of the Carreon Declaration, Dep. AG Kelvin Gong of the  
14 Office of Attorney General for the State of California (the "AG") has accepted service of process  
15 via email for the AG, and Plaintiff has undertaken to promptly provide him with notice when and  
16 if the Court sets a hearing in the matter. As averred at ¶ 35 of the Declaration of Charles Carreon  
17 submitted herewith, defendants Inman and Indiegogo have appeared through counsel and  
18 received notice of this Application through the ECF System. As averred in ¶ 36 of the Carreon  
19 Declaration, service on defendant the American Cancer Society has been accomplished by email  
20 service on their counsel. As averred in ¶ 36 of the Carreon Declaration, service of this  
21 Application on defendant National Wildlife Federation is pending, and a proof of service will be  
22 filed shortly.

23 For the reasons set forth in ¶ 38 of the Carreon Declaration, plaintiff requests to attend  
24 any hearing on this matter by telephone.

25 Dated: June 28, 2012

CHARLES CARREON, ESQ.

26  
27 By:s/Charles Carreon  
CHARLES CARREON (127139)  
Attorney for Plaintiff Pro Se  
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