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ATTORNEYS FOR ATTORNEYS FOR DEFENDANTS, GRANVILLE HOMES, INC. and DARIUS ASSEMI

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF FRESNO

RYAN TONCHEFF, an individual, Plaintiff, v. GRANVILLE HOMES, INC., a California Corporation, DARIUS ASSEMI, an individual, and DOES 1 through 50, inclusive, Defendants.	Case No.: 26CU03959 **DEFENDANT'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION; ALTERNATIVELY, FOR ORDER SHORTENING TIME** Date: November 20, 2026 Time: 3:30 p.m. Dept.: 403

TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 20, 2026, at 3:30 p.m., or as soon thereafter as the matter may be heard, in Department 403 of the above-captioned Court, located at 1130 "O" Street, Fresno, California, 93721 Defendant Granville Homes ("Granville Homes" or "Defendant") will and hereby does apply *ex parte* for a Temporary Restraining Order (TRO) and Order to Show Cause (OSC) re Preliminary Injunction against Plaintiff Ryan Toncheff ("Toncheff" or "Plaintiff"). Alternatively, if the Court declines to issue a TRO, Granville Homes' requests an Order Shortening Time for hearing on its request for preliminary injunctive relief. This Application is made pursuant to Code of Civil Procedure sections 526, 527, and 1281.8, and California Rules of Court, rules 3.1150 and 3.1200 *et seq*.

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I. RELIEF REQUESTED

Defendant requests that the Court issue a Temporary Restraining Order and Order to Show Cause re Preliminary Injunction restraining and enjoining Plaintiff, and all persons acting in concert with him who receive actual notice of the Court's order, during the pendency of the arbitration, from:

1. Using, accessing, disclosing, disseminating, transmitting, copying, transferring, or otherwise providing to any person or entity any Granville Homes documents, electronically stored information, financial records, confidential or proprietary information, or other Granville Homes information obtained or retained by Plaintiff from Granville Homes' systems;

2. Deleting, destroying, modifying, overwriting, wiping, concealing, or otherwise altering or disposing of any Granville Homes information presently in Plaintiff's possession, custody, or control; and

3. Deleting, destroying, modifying, overwriting, wiping, concealing, or otherwise altering or disposing of any evidence reflecting the downloading, copying, transfer, storage, possession, use, or dissemination of Granville Homes information.

Defendant further requests that the Court order Plaintiff to return to Defendant, all Granville Homes information presently in his possession, custody, or control, including any such information maintained on or within any personal device, email account, application, cloud-storage account, artificial-intelligence platform, or other electronic or physical storage location, within the time and in the manner directed by the Court.

Following the Order to Show Cause hearing, Defendant requests that the Court issue a Preliminary Injunction continuing such relief during the pendency of the arbitration. Pursuant to Code of Civil Procedure section 1281.8, subdivision (d), Defendant further requests that all proceedings in this action, other than those necessary to adjudicate and enforce the temporary and preliminary injunctive relief sought herein, be stayed pending resolution of the parties' arbitrable controversy.

Defendant further requests its costs incurred herein to the extent permitted by law and such

other temporary or preliminary relief as the Court deems just and proper to preserve the status quo and prevent any award to which Granville Homes may be entitled in arbitration from being rendered ineffectual, with all determinations concerning final relief reserved for arbitration.

Alternatively, if the Court declines to issue a Temporary Restraining Order, Granville Homes requests an Order Shortening Time for hearing on its request for a Preliminary Injunction.

II. GROUNDS FOR EX PARTE RELIEF

Defendant seeks immediate provisional relief based on evidence that, prior to the termination of his employment with Granville Homes, Plaintiff deleted substantial quantities of electronically stored information from Granville Homes' systems and downloaded, copied, and/or transferred Granville Homes documents and information to personal accounts or devices outside Granville Homes' possession and control.

Absent immediate relief, Granville Homes faces the risk that its information, as well as evidence concerning the transfer, possession, and use of that information, may be further used, disclosed, transferred, altered, concealed, or destroyed before the parties' dispute can be resolved. Immediate relief is therefore necessary to preserve the status quo and prevent irreparable harm to Granville Homes.

The factual circumstances supporting this Application are set forth more fully in the accompanying Declaration of Darius Assemi and Declaration of Brian W. Horton, and the legal grounds for the requested relief are set forth in Granville Homes' accompanying Memorandum of Points and Authorities.

III. ARBITRATION AND PROVISIONAL RELIEF

Defendant and Plaintiff are parties to a valid written arbitration agreement (the "Arbitration Agreement") requiring the underlying controversy to be resolved through arbitration. Defendant has initiated arbitration by filing a Demand for Arbitration. Defendant has also filed a Motion to Compel Arbitration, which is presently pending before this Court.

The Arbitration Agreement expressly permits either party to seek temporary or preliminary injunctive relief from a court of competent jurisdiction where an arbitration award may be rendered

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ineffectual without such provisional relief. Consistent with the Arbitration Agreement and Code of Civil Procedure section 1281.8, Defendant seeks only provisional relief necessary to preserve the status quo and prevent any award to which Granville Homes may be entitled in arbitration from being rendered ineffectual. All determinations concerning final relief remain for arbitration.

Pursuant to Code of Civil Procedure section 1281.8(b), Granville Homes submits with this Application a copy of its operative First Amended Demand for Arbitration.

IV. COMPLIANCE WITH CALIFORNIA RULES OF COURT 3.1202 AND 3.1203

Pursuant to California Rules of Court Rule 3.1202, the contact information for counsel for Plaintiff's counsel is the following:

Matthew J Ruggles
Ruggles Law Firm
7940 California Avenue
Fair Oaks, California 95628
Telephone: (916) 758-8058
Email: mruggles@ruggleslawfirm.com; matthew@ruggleslawfirm.com

Defendant has not filed a prior application or otherwise sought, or been refused in whole or part, the same relief as requested in this Application. (Cal. Rules of Ct, Rule 3.1202(b).)

Pursuant to California Rules of Court, rules 3.1203 and 3.1204, Defendant timely provided Plaintiff's counsel with notice of the date, time, and place of the ex parte appearance and the relief sought by this Application. Defendant further inquired whether Plaintiff intends to oppose the Application. The circumstances and manner of notice, including Plaintiff's response, if any, are set forth in the accompanying Declaration Regarding Ex Parte Notice.

Dated: November 13, 2026

SAGASER, WATKINS & WIELAND PC

By: _____
Howard A. Sagaser
William M. Woolman
Attorneys for Plaintiff,
Granville Homes, Inc.

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PROOF OF SERVICE
(CODE CIV. PROC. § 1013)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 5260 North Palm Avenue, Suite 400, Fresno, California 93704.

On November ___, 2026, I served the following documents described as **DEFENDANT'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION; ALTERNATIVELY, FOR ORDER SHORTENING TIME** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

☑ **BY MAIL:** I deposited such envelope in the mail at Fresno, California. The envelope(s) was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

☐ **BY OVERNIGHT COURIER:** I sent such document(s) on November 13, 2026, by with postage thereon fully prepaid at Fresno, California.

☐ **BY FAX**: I sent such document by use of facsimile machine telephone number (559) 473-1483. Facsimile cover sheet and confirmation is attached hereto indicating the recipients' facsimile number and time of transmission pursuant to California Rules of Court Rule 2.306. The facsimile machine I used complied with California Rules of Court Rule 2.301(3) and no error was reported by the machine.

☐ **BY PERSONAL SERVICE:** I placed the above document in a sealed envelope. I caused said envelope to be handed to our messenger service to be delivered by hand to the above address(es).

☐ **BY EMAIL:** I sent such document by use of email to the email address(es) above. (CCP § 1010.6) Such document was scanned and emailed to such recipient.

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

Executed on November 13, 2026, at Fresno, California.

Mehgan Ferreira Kisling

SERVICE LIST

Matthew J. Ruggles Matthew J. Ruggles Ruggles Law Firm 7940 California avenue Fair Oaks, California 95628 E-Mail: mruggles@ruggleslawfirm.com matthew@ruggleslawfirm.com	Attorneys for Plaintiff, Ryan Toncheff

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