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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 07-3423 PSG (CWx)	<b>Date</b>	Nov. 20, 2008
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<b>Title</b>	David Delman v. GEP Gencast, LLC, et al.
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<b>Present:</b>	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

**Proceedings: (In Chambers) Order Denying Plaintiff's Ex Parte Application**

On November 20, 2008, Plaintiff David Delman filed an *ex parte* application in which he requests oral argument for November 24, 2008 on Defendant Touchstone's Motion to Dismiss. The Court finds the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local R. 7-15.

It repeatedly has been held that there is no constitutional right to present oral argument on a motion. *See Morrow v. Topping*, 437 F.2d 1155, 1156 (9th Cir.1971). Indeed, courts have repeatedly held that the decision of whether to hold oral argument is within the discretion of the district court. *See id.* In accordance with well-established precedent, the Court declines to hold oral argument on Defendant Touchstone's Motion to Dismiss. Accordingly, Plaintiff's *ex parte* application is hereby DENIED.

**IT IS SO ORDERED.**