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14 UNITED STATES DISTRICT COURT
 15 CENTRAL DISTRICT OF CALIFORNIA
 16 WESTERN DIVISION

17 Courthouse News Service,

18 Plaintiff,

19 v.

20 Michael D. Planet, in his official capacity
 21 as Court Executive Officer/Clerk of the
 22 Ventura County Superior Court.

23 Defendant.

CASE NO. CV11-08083 R (MANx)

**[PROPOSED] ORDER DENYING
 DEFENDANT’S EX PARTE
 APPLICATION FOR ORDER
 CONTINUING HEARING ON
 MOTION FOR PRELIMINARY
 INJUNCTION**

Courtroom: 8 (2nd Floor)
 The Hon. Manuel L. Real

24 The Court, having considered Defendant Michael D. Planet’s October 10, 2011
 25 ex parte application for an order continuing Plaintiff Courthouse News Service’s
 26 Motion for Preliminary Injunction, currently scheduled to be heard on November 7,
 27 2011, hereby DENIES the ex parte application.

1 The Court's decision is based on the following findings of fact and conclusions
2 of law:

3 Findings of Fact:

4 1. The defenses that Defendant seeks to raise in its Motion to Dismiss can
5 be adequately raised in its opposition to the Motion for Preliminary Injunction.

6 2. It would be inefficient and a waste of both the parties' and the Court's
7 resources to delay the pending Motion for Preliminary Injunction in order to first hear
8 and fully adjudicate a separate Motion to Dismiss.

9 Conclusions of Law:

10 1. Plaintiff's complaint alleges a deprivation of its and its subscriber's First
11 Amendment rights. As such, Plaintiff is entitled to a prompt hearing on the
12 appropriateness of preliminary injunctive relief, and an assessment of whether the
13 ongoing deprivation of such rights should be permitted pending a final resolution of
14 this matter.

15 IT IS HEREBY ORDERED that Defendant's ex parte application is therefore
16 DENIED.

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23 Dated: _____

The Honorable Manuel L. Real
United States District Judge