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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BERNARD HUANG, an individual)	Case No. CV 15-05722 DDP (AGRx)
California resident, on)	
behalf of themselves and all)	ORDER DENYING EX PARTE
others similarly situated; ED)	APPLICATION TO SHORTEN TIME TO
KIM, an individual)	HEARING
California resident, on)	
behalf of themselves and all)	[Dkt. No. 16]
others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
EBAY, INC., a Delaware)	
corporation; INTUIT INC., a)	
Delaware corporation ,)	
)	
Defendants.)	
_____)	

Defendants have filed a properly noticed motion to change venue, set for hearing on Sept. 14, 2015, on the ground that there is a similar case pending in the Northern District of California. (Dkt. No. 13.) Defendants have now filed an ex parte application to shorten the time to the hearing. (Dkt. No. 16.) They propose a briefing schedule as follows: Motion to be heard on Aug. 24; Plaintiff's opposition due on Aug. 14; Defendant's reply due Aug. 20. (Id.)

1 An ex parte application will only be granted for good cause,
2 and only if the evidence shows that "the moving party's cause will
3 be irreparably prejudiced if the underlying motion is heard
4 according to regular noticed motion procedures," and that "the
5 moving party is without fault in creating the crisis that requires
6 ex parte relief, or that the crisis occurred as a result of
7 excusable neglect." Mission Power Eng'g Co. v. Cont'l Cas. Co.,
8 883 F. Supp. 488, 492 (C.D. Cal. 1995).

9 Here, Defendants have not made the case that their cause will
10 be irreparably prejudiced if the motion to change venue is not
11 heard until Sept. 14. Defendants assert that they will soon file a
12 motion to dismiss and that it would be a duplication of effort and
13 a waste of judicial resources for the Court to consider a motion to
14 dismiss when the case might be transferred soon. However,
15 Defendants have not yet filed the motion to dismiss, and any motion
16 they do file will not be set for hearing until after the motion to
17 change venue. The Court's resources will therefore be conserved;
18 if the motion to change venue is successful, the Court will not
19 consider the motion to dismiss.

20 Defendants' ex parte application is DENIED.

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23 IT IS SO ORDERED.

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26 Dated: August 20, 2015



DEAN D. PREGERSON
United States District Judge