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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

CANANDAIGUA WINE CO., INC.,)	No. CV-F-02-6599 OWW/DLB
)	
)	ORDER DISREGARDING DEFENDANT
Plaintiff,)	MOLDAUER'S JANUARY 3, 2009
)	FAXES TO THE COURT
vs.)	
)	
EDWIN MOLDAUER,)	
)	
Defendant.)	
)	

The Court received a fax addressed "To the Honory [sic] Judge Wanger, Oliver W. Federal court, California, USA" dated January 3, 2009, entitled "Response to Mr. Weisberg application to withdraw," and a second fax addressed "To the Honory [sic] Judge Wanger, Oliver W. Fresno Federal court, California, USA" dated January 3, 2009, entitled "Ex-parte application to have email system re-enabled by 'mail.com.'" Both faxes were sent to the Court by Defendant Edwin Moldauer.

The Court disregards the fax transmissions. Neither is on proper pleading paper, neither has a proof of service showing

1 service on Defendant's counsel, Mr. Weisberg, and on Plaintiff,
2 and neither was properly filed with the Court for docketing on
3 the official docket. Any motion, application or request for
4 relief by the Court and any opposition or response to a matter
5 pending before the Court must be filed in the case and served on
6 the opposing party with accompanying proof of service pursuant to
7 the Federal Rules of Civil Procedure and the Local Rules of
8 Practice of the Eastern District of California. The Court cannot
9 engage in *ex parte* practice.

10 IT IS SO ORDERED.

11 Dated: January 8, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE