

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GOLD COAST HARVESTING, INC.,
a California Corporation,

Plaintiff,

v.

SELECT ONION COMPANY, LLC;
FARRELL LARSON, and DOES
1 through 50, inclusive,

Defendants.

) 1:08cv1529 GSA

) ORDER DENYING EX PARTE APPLICATION
) FOR ORDER SHORTENING TIME TO HEAR
) MOTION

) (Document 40)

The court has considered Select Onion Company's ("Defendant") Ex Parte Application to Shorten Time to Hear Defendant's Motion to Reopen the Case and Determine Rights Under Settlement Agreement filed on June 22, 2010. (Docs 40 and 41). The Court has also considered Gold Coast Harvesting, Inc.'s, ("Plaintiff") opposition filed on June 23, 2010 (Doc. 42), as well as Defendant's Reply filed on June 23, 2010. (Doc. 43). The application is DENIED.

On June 25, 2010, the Court held an informal conference. Bartholomew Botta and Farrell Larson personally appeared on behalf of Defendant. James Sullivan and Chris and Terry Gillis personally appeared on behalf Plaintiff. The Court arranged the conference to determine if the parties could resolve this dispute independently. However, this attempt was unsuccessful.

The Court is sensitive to the fact that the dispute in this action involves a perishable product. However, it is also apparent that there are complex contractual issues presented in this case as Plaintiff has alleged several breaches of the contract by Defendant. Given the limited availability of Plaintiff's counsel and this Court's schedule, the Court is unable to adjudicate this

1 motion prior to **July 30, 2010**. Accordingly, Plaintiff shall file any opposition to Defendant's
2 Motion to Reopen the Case and Determine Rights Under Settlement Agreement no later than **July**
3 **16, 2010**. Defendant shall file any reply no later than **July 23, 2010**. The hearing will be held on
4 **July 30, 2010** at 10:00 am in Courtroom 10.

5
6 IT IS SO ORDERED.

7 **Dated: June 29, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE