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7		DISTRICT COURT
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10	California corporation; SONA)	1:09 cv 1409 LJO-GSA
11		ORDER DENYING EX PARTE APPLICATION
12	j j	FOR ORDER SHORTENING TIME TO HEAR MOTION TO MODIFY THE SCHEDULING ORDER
13	V.)	JKDEK
14	SCOTT SILVA, in his individual capacity;) (TOM WILSON, in his individual capacity;)	(Documents 64 and 66)
15	E. ESSEGIAN, in his individual capacity;) and DOES 1-25, inclusively,)	
16	Defendants.	
17)	
18	/	
19	On July 7, 2010, Defendant Essegian filed a Motion to Modify the Scheduling Order and	
20	also filed an Ex Parte Application that the Motion be Heard on Shortened Time. (Doc. 64).	
21	Defendants Silva and Wilson joined in the motion on July 7, 2010. (Doc. 66). The basis for the	
22	request is that the non-expert discovery deadline is July 10, 2010. Defendant Essegian contends	
23	that more time is needed to conduct non-expert discovery in this case given that Plaintiff's	
24	deposition will not be taken until July 15 and July 16, 2010.	
25	The Court has reviewed the Ex Parte Applications for the Motion to be Heard on	
26	Shortened Time. The request is DENIED as Defendants have not established good cause. The	
27	Scheduling Order in this case was issued on February 4, 2010. Defendant Essegian waited over	
28	four months until June 16, 2010 to notice Plaintiff's deposition which was scheduled to be taken	

on June 28, 2010. The Court granted Defendant's Ex Parte Application to hear two of Defendant
Essegian's Motions to Compel last week.

Hearing a motion on shortened time is an unusual remedy. In this case, the only reason for the request is that a discovery deadline that was set over five months ago will expire. Hearing a motion on shortened time not only inconveniences all of the parties, but also places a burden on the Court that has other properly noticed motions on calendar. Defendants shall place the Motion to Modify the Scheduling Order on the Court's calendar and give opposing counsel proper notice pursuant to Local Rule 230. If the Motion is granted, amendments to the scheduling order will be made nunc pro tunc, however, counsel are advised that this Court is hesitant to amend the scheduling order other than for the limited purposes outlined in the hearing last week.

IT IS SO ORDERED.

Dated: July 9, 2010

/s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE