## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

PACIFIC MARINE CENTER, INC., a California corporation; SONA	1:09 cv 1409 LJO-GSA
VARTANIAN, an individual,	) ORDER DENYING EX PARTE APPLICATION
Plaintiffs,	FOR ORDER SHORTENING TIME TO HEAR MOTION TO MODIFY THE SCHEDULING
v.	ORDER
SCOTT SILVA, in his individual capacity; ) TOM WILSON, in his individual capacity; )	(Documents 77)
E. ESSEGIAN, in his individual capacity; and DOES 1-25, inclusively,	
Defendants.	

On July 7, 2010, Defendant George Imirian ("Defendant") filed a Motion to Strike the Second Amended Complaint, and in the alternative, a Motion to Dismiss. (Doc. 76). Defendant Imirian also filed an Ex Parte Application that the Motion be Heard on Shortened Time. (Doc. 77). Defendant requests that his motion be heard on shortened time because the Court is already hearing the other Defendants' Motions to Strike on July 30, 2010. Defendant Imirian argues that good cause exists to hear his motion on the same day because his motion sets forth essentially the same legal arguments and theories as the other Defendants' motion.

The Court has reviewed the Ex Parte Application for the Motion to be Heard on Shortened Time. The request is DENIED as Defendant Imirian has not established good cause. Although Defendant argues that his motion is based on the same legal premises as the existing

motions, Defendant Imirian has also filed a Motion to Dismiss which is a different remedy than the other defendants are seeking. Moreover, hearing a motion on shortened time is an unusual remedy and will require Plaintiff to file an opposition on shortened time. Defendant Imirian articulated no reasons why he waited so long to file the motion.

The motion to strike filed by Defendant Imirian will be heard by the undersigned on August 27, 2010 at 9:30 am, which is the Court's next available date. Accordingly, the Motion to Strike set before Judge O'Neill on August 18, 2010 at 8:30 is VACATED. If the other Defendants' Motions to Strike are granted on July 30, 2010, the instant motion will be moot and will be taken off calendar accordingly.

IT IS SO ORDERED.

Dated: July 21, 2010 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE