

EASTERN DISTRICT OF CALIFORNIA

(Documents 77)

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

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

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

10 IT IS SO ORDERED.

11 **Dated: July 21, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE