

1 Plaintiffs correctly assert that Defendant's request is a
2 disguised motion for reconsideration that does not comply with
3 the requirements of California Eastern District Local Rule of
4 Court 230(j).

5 The motion for preliminary injunction was originally filed
6 July 9, 2010. Defendant has had more than three months to
7 prepare to oppose the motion and for its hearing. The briefing
8 schedule for the motion was set October 1, 2010 and in view of
9 objections asserted by Defendant, a clarifying order was issued
10 October 12, 2010 to inform the parties that the hearing on the
11 preliminary injunction motion would go forward on October 18,
12 2010.

13 Defendant's counsel made an informed and voluntary strategic
14 decision to proceed with the opposition and argument submitted.

15 The motion for preliminary injunction has been ruled upon in
16 open court, an oral order and statement of decision was stated on
17 the record, and is awaiting formalization through findings and
18 conclusions and a written order. The Request is DENIED.

19
20 IT IS SO ORDERED.

21 Dated: October 21, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE