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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7
8 **FRESNO ROCK TACO LLC, et al.,**
9 **Plaintiffs,**
10
11 **v.**
12 **BEN RODRIGUEZ, et al.,**
13 **Defendants.**

1:11-cv-00622-OWW-SKO
ORDER RE: EX PARTE APPLICATION
(Doc. 18)

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15 On August 9, 2011, the City of Fresno filed an "ex parte
16 application for reconsideration." (Doc. 18). A review of the
17 City's motion reveals it is inappropriate. In order to justify ex
18 parte relief, the evidence must show, *inter alia*, that the moving
19 party's cause will be irreparably prejudiced if the underlying
20 motion is heard according to regular noticed motion procedures.
21 *E.g., Mission Power Eng'g Co. v. Continental Cas. Co.*, 883 F. Supp.
22 488, 492 (C.D. Cal. 1995).

23 The City's motion shall be designated and calendared as an
24 ordinary civil motion.

25 IT IS SO ORDERED.

26 **Dated: August 17, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE