



1 Todd R. Kinnear, recently left the firm of Gordon & Rees LLP, and his replacement designated  
2 trial counsel, Asim K. Desai, needs additional time to prepare for trial and is unavailable to  
3 proceed on the date currently set for trial to commence. (*Id.* at 2:10-15.) Attorney Kinnear  
4 reportedly gave notice of his intent to terminate his employment with Gordon & Rees LLP on  
5 December 15, 2015 and then did, in fact, leave the firm on December 31, 2015. (*Id.* at 4:11-13.)  
6 These assertions are supported by the declaration of counsel Gary D. Leasure filed and served  
7 concurrently with defendant's motion for an extension of time. (Doc. No. 33-1.) Finally, in their  
8 motion defendant's counsel indicates that the parties have conferred regarding defendant's  
9 request for a continuance but that plaintiff's counsel has declined to stipulate to a continuance of  
10 the trial date.

11 Local Rule 230(b) requires that the moving party for all civil motions file a notice of  
12 motion and that the motion be set for hearing on the motion calendar no less than twenty-eight  
13 (28) days after service and filing of the motion. However, Local Rule 144(e) allows for the court  
14 to grant applications to shorten time when based upon an affidavit of counsel showing a  
15 satisfactory explanation for the need for the issuance of such an order. Motions in limine in this  
16 case are currently due to be filed by January 21, 2016 and the present motion should therefore be  
17 decided prior to that date. Accordingly, the court will construe defendant's motion for an  
18 extension of time to include an application for an order shortening time. The court further finds  
19 that the circumstances here, as described in the declaration of attorney Gary D. Leasure, justify  
20 the issuance of an order shortening time. The court therefore grants such an order and will set a  
21 briefing schedule and hearing date with respect to defendant's motion for extension of time.

22 Based on the foregoing:

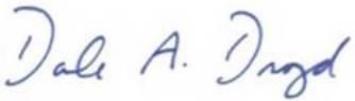
- 23 1. Plaintiff's opposition to defendant's motion for extension of time must be filed and  
24 served on or before January 15, 2016;
- 25 2. The filing of a reply brief will not be authorized; and
- 26 3. Defendant's motion for extension of time will be heard on the civil law and motion  
27 calendar Tuesday, January 19, 2016, at 9:30 a.m. in Courtroom 5 (DAD) before  
28 District Judge Dale A. Drozd. Telephonic appearance by counsel is authorized and

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may be arranged by contacting Courtroom Deputy Renee Gaumnitz at least forty-eight hours in advance of the scheduled hearing.

IT IS SO ORDERED.

Dated: January 7, 2016

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DALE A. DROZD  
UNITED STATES DISTRICT JUDGE