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10 Attorneys for Plaintiffs GARY COPPOLA, an individual; GARY COPPOLA, as SUCCESSOR
11 TRUSTEE OF THE VIOLA M. COPPOLA IRREVOCABLE TRUST; and GARY COPPOLA,
12 as TRUSTEE OF THE ANTHONY M. COPPOLA TRUST

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

15 GARY COPPOLA, an individual; GARY
16 COPPOLA, as SUCCESSOR TRUSTEE OF
17 THE VIOLA M. COPPOLA IRREVOCABLE
18 TRUST; and GARY COPPOLA, as TRUSTEE
19 OF THE ANTHONY M. COPPOLA TRUST;

20 Plaintiffs,

21 v.

22 PARAGON CLEANERS, INC. (formerly sued
23 as GREGORY SMITH, an individual); et al.

24 Defendants.

Case No.: 1:11-CV-01257-AWI-BAM

**ORDER SHORTENING TIME FOR
HEARING REGARDING THE MOTION
TO COMPEL THE CITY'S DEPOSITION**

25 RELATED CROSS AND COUNTER-CLAIMS

Coordinated Case

26 MISSION LINEN SUPPLY;

27 Plaintiff,

28 v.

CITY OF VISALIA,

Defendant.

Case No.: 1:15-CV-00672-AWI-EPG

On April 15, 2016, Plaintiffs Gary Coppola, an individual; Gary Coppola, as Successor Trustee of the Viola M. Coppola Irrevocable Trust; and Gary Coppola as trustee of the Anthony M. Coppola Trust (collectively, "Coppola") and defendant Richard Laster ("Laster") in the above

1 captioned case (“Coppola Action”) and Plaintiff Mission Linen Supply (“Mission Linen”) in *Mission*
2 *Linen Supply v. City of Visalia*, No. 1:15-cv-00672-AWI-EPG (“Mission Linen Action”) filed an ex
3 parte application to shorten time to hear Plaintiffs’ Motion to Compel the Defendant City of
4 Visalia’s (“City”) PMK Deposition. (Doc. 385). Plaintiffs argue that good cause exists to hear the
5 motion on shortened time based on the motion’s proximity to the fact discovery cut-off in both
6 cases, and the Court’s February 26, 2016 Order setting the City’s deposition. Plaintiffs explain that
7 problems arose during the City’s April 5, 2016 deposition. In an effort to resolve that deposition
8 dispute, Plaintiffs attempted to avail themselves of the Court’s Standing Order—which permits
9 parties to seek a judicial determination during a deposition—by contacting the Court prior to the
10 termination of the deposition. The City however refused to participate in a call with the Court. The
11 PMK deposition was later suspended.

12 Under Local Rule 144(e), “applications to shorten time shall set forth by affidavit of counsel
13 the circumstances claimed to justify the issuance of an order shortening time.” E.D. Cal. Local R.
14 144(e). The Court finds that the upcoming fact discovery deadline and the already lengthy delay in
15 scheduling the City’s deposition is a satisfactory reason for shortening time on Plaintiffs’ Motion to
16 Compel. That Defendant must now file a response brief on a shortened timeline does not justify
17 denying Plaintiffs’ motion. The City has had the benefit of Plaintiffs’ portion of the joint discovery
18 dispute statement since Friday, April 8, 2016. Greben Decl. ¶ 7, Exhibit C. Further, it was the City’s
19 decision to refuse the immediate relief available under the Court’s Standing Order. The Court will
20 therefore grant Plaintiffs permission to have the motion heard on shortened time pursuant to Local
21 Rule 144(e) so that it may be heard on April 27, 2016. The parties are further advised that the Court
22 is familiar with the merits of the parties’ deposition dispute and for that reason the Court may
23 resolve the deposition issue at the Motion to Compel hearing set for April 21, 2016, with or without
24 Defendant’s opposition.

25 Accordingly, the Court, having read and considered the *ex parte* application, and good cause
26 thereon, **HEREBY ORDERS:**

- 27 1. The motion to compel the City of Visalia’s Rule 30(b)(6) deposition filed on April
28 15, 2016 shall be set for hearing on April 27, 2016 at 10:00 a.m.
2. The noticed hearing date of May 6, 2016 is vacated.

1 3. The Parties – Coppola, Laster, Mission Linen and the City of Visalia shall file a joint
2 discovery dispute statement no later than April 20, 2016.
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5 IT IS SO ORDERED.

6 Dated: April 18, 2016

/s/ Barbara A. McAuliffe
7 UNITED STATES MAGISTRATE JUDGE
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