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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JOHN BAKER,

12 Plaintiff,

13 v.

14 COTTRELL, INC.,

15 Defendant.

Case No. 1:16-cv-00840-DAD-SAB

ORDER SETTING MOTION FOR
RECONSIDERATION RE PRO HAC VICE
ORDER (ECF No. 25) AND MOTION TO
STRIKE DEFENDANT'S MOTION FOR
RECONSIDERATION (ECF No. 26) FOR
HEARING ON AUGUST 16, 2017, AT 10:00
A.M.

ORDER SETTING MOTION FOR
REVOCAION OF PRO HAC VICE
STATUSES (ECF No. 33) FOR HEARING
ON AUGUST 30, 2017, AT 10:00 A.M.

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19 This action was filed on June 16, 2016. On June 26, 2017, Defendant filed a motion for
20 reconsideration of the order granting pro hac vice status to Plaintiff's counsel, Brian Wendler,
21 and set the motion before United States District Judge Dale A. Drozd. (ECF No. 25.) On July
22 10, 2017, Plaintiff filed a motion to strike Defendant's motion for reconsideration, and set the
23 motion before United States District Judge Dale A. Drozd. (ECF No. 26.) On July 20, 2017,
24 Defendant filed a response to Plaintiff's motion to strike. (ECF No. 30.) On July 27, 2017,
25 United States District Judge Dale A. Drozd referred Defendant's motion for reconsideration of
26 the order granting pro hac vice status to Brian Wendler and Plaintiff's related motion to strike
27 Defendant's motion for reconsideration to the undersigned and vacated the August 15, 2017
28 hearing on both motions. (ECF No. 32.)

1 Therefore, the Court sets the hearing on the motion for reconsideration of the order
2 granting pro hac vice status to Brian Wendler (ECF No. 25) and Plaintiff's related motion to
3 strike Defendant's motion for reconsideration (ECF No. 26) for August 16, 2017, at 10:00 a.m.
4 in courtroom 9 before the undersigned.

5 On July 28, 2017, Plaintiff filed a motion to revoke the pro hac vice statuses of
6 Defendant's counsel, Daniel Carpenter and Amy Lorenz-Moser. (ECF No. 33.) Plaintiff set the
7 motion for hearing on August 15, 2017, before United States District Judge Dale A. Drozd. On
8 July 28, 2017, United States District Judge Dale A. Drozd referred Plaintiff's motion to revoke
9 the pro hac vice status of Daniel Carpenter and Amy Lorenz-Moser to the undersigned and
10 vacated the August 15, 2017 hearing on the motion. (ECF No. 34.)

11 The Local Rules provide that all motions shall be noticed on the motion calendar of the
12 assigned judge not less than twenty-eight days from the filing of the motion and the responding
13 party shall file an opposition or statement of non-opposition fourteen days prior to the noticed
14 hearing date. L.R. 230(b). The Court notes that while Plaintiff set his motion to revoke the pro
15 hac vice statuses of Daniel Carpenter and Amy Lorenz-Moser for August 15, 2017, that date is
16 less than twenty-eight days from the date of filing of the motion.¹ The Court also notes that no
17 order shortening time has issued and the parties have not filed a stipulation to shorten the time
18 for the hearing on the motion. Pursuant to the Local Rules, the Court will set Plaintiff's motion
19 to revoke the pro hac vice statuses of Daniel Carpenter and Amy Lorenz-Moser for the
20 undersigned's next available calendar that is at least twenty-eight days from the filing of the
21 motion. Therefore, the Court sets Plaintiff's motion to revoke the pro hac vice statuses of Daniel
22 Carpenter and Amy Lorenz-Moser for August 30, 2017, at 10:00 a.m. in courtroom 9 before the
23 undersigned.

24 Based on the foregoing, IT IS HEREBY ORDERED that:

- 25 1. Defendant's motion for reconsideration of the order granting pro hac vice status to
26 Brian Wendler (ECF No. 25) and Plaintiff's related motion to strike Defendant's

27 ¹ The Court recognizes that Plaintiff may have set the motion for August 15, 2017, because that was the date that the
28 Court had continued Defendant's motion to revoke the pro hac vice status of Plaintiff's counsel and Plaintiff's
related motion to strike to.

1 motion for reconsideration (ECF No. 26) are set for hearing on August 16, 2017,
2 at 10:00 a.m. in courtroom 9 before the undersigned; and

- 3 2. Plaintiff's motion to revoke the pro hac vice statuses of Daniel Carpenter and
4 Amy Lorenz-Moser (ECF No. 33) is set for hearing on August 30, 2017, at 10:00
5 a.m. in courtroom 9 before the undersigned.

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7 IT IS SO ORDERED.

8 Dated: July 31, 2017



UNITED STATES MAGISTRATE JUDGE

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