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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 CAROLYN BROWN, et al.

11 Plaintiffs,

12 v.

13 PROPERTY AND CASUALTY  
14 INSURANCE COMPANY OF HARTFORD,

15 Defendant.

Case No. 1:20-cv-00186-SAB

ORDER GRANTING DEFENDANT'S *EX*  
*PARTE* APPLICATION TO SHORTEN  
TIME

ORDER SETTING HEARING ON  
DEFENDANT'S MOTION FOR  
EXTENSION OF DISCOVERY  
DEADLINES FOR FEBRUARY 24, 2021

(ECF No. 33)

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18 On February 12, 2021, Defendant filed an *ex parte* application requesting the Court to  
19 hear a motion to modify the scheduling order on shortened time. (ECF No. 33.) Defendant  
20 requests the motion to modify the discovery deadlines be set for hearing on February 24, 2021,  
21 with Plaintiffs' opposition due seven (7) days prior to the hearing, and Defendant's reply due  
22 three (3) days prior to the hearing. On February 12, 2021, Defendants served Plaintiffs with the  
23 *ex parte* application along with a copy of the to-be-filed motion to modify the scheduling order,  
24 via overnight mail. (ECF No. 33 at 2.)

25 Defendant proffers that Plaintiffs have failed to appear for noticed depositions, and failed  
26 to properly meet and confer with Defendants regarding filing a motion to modify the scheduling  
27 order. Defendant has noticed new depositions for Plaintiffs to occur on February 22 and 23,  
28 2021. If Plaintiffs appear as scheduled for the newly set depositions, Defendant will withdraw

1 the motion to modify the scheduling order prior to the February 24, 2021 hearing date.

2 Given the facts pertaining to Plaintiffs' failure to appear for the depositions and current  
3 discovery deadlines, the Court finds good cause to grant Defendants' *ex parte* application and set  
4 the motion to modify the scheduling order for hearing on shortened time. However, because of  
5 the short period of time before the requested hearing date, the Court shall order an opposition to  
6 be filed by Plaintiffs on or before February 23, 2021, and no reply brief by Defendants.

7 When Defendant is provided with the videoconference login information for the hearing,  
8 they shall serve the motion to modify the scheduling order as well as the videoconference login  
9 information on Plaintiffs. Plaintiffs are directed to contact Courtroom Deputy Mamie Hernandez  
10 at (559) 499-5672, for any questions or assistance regarding attending the hearing via  
11 videoconference or telephone.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Defendant's *ex parte* application is GRANTED;
- 14 2. The Court sets the hearing on Defendant's motion to modify the discovery  
15 deadlines for February 24, 2021, at 10:00 a.m. in Courtroom 9;
- 16 3. Defendant shall file the motion to modify the discovery deadlines within one (1)  
17 day after entry of this order;
- 18 4. Defendants shall serve the motion to modify as well as the videoconference login  
19 information on Plaintiffs concurrently with filing the motion to modify; and
- 20 5. Plaintiffs' opposition to Defendant's motion to extend the discovery deadlines  
21 shall be filed no later than February 23, 2021.

22 IT IS SO ORDERED.

23 Dated: February 16, 2021

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26 UNITED STATES MAGISTRATE JUDGE  
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