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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON CAMPBELL, et al.,

Plaintiffs,

No. CIV S-06-2376 LKK GGH

vs.

PRICE WATERHOUSE COOPERS, LLP,

Defendant.

Presently before the court is defendant's ex parte application for order shortening time to hear its motion to compel depositions of absent class members.¹ Plaintiffs have filed an opposition.

Defendant proposes a briefing schedule for its motion to compel, requiring a joint statement on February 17, 2009, and a hearing date of February 19, 2009. At the time of the instant order, the district court had not yet ruled on defendant's separate ex parte application to extend the discovery cutoff, which is currently February 20, 2009. Because it would be impossible to approve defendant's proposed schedule and comply with the current discovery deadline, defendant's ex parte application for order shortening time, (docket #s 358, 359), is

¹ The undersigned received notice of these filings on the morning of Tuesday, February 17, 2009.

1 denied without prejudice to its renewal if the district court approves the proposed extension of
2 the discovery deadline.²

3 IT IS SO ORDERED.

4 Dated: February 17, 2009

5 /s/ Gregory G. Hollows
6 U.S. Magistrate Judge

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24 ² Plaintiffs have noticed a motion for protective order to prevent the depositions of absent
25 class members, on this court's March 12, 2009 calendar. This matter will remain on the calendar
26 pending a ruling by the district court on defendant's ex parte request for extension of discovery
cutoff.