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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA, a
Connecticut corporation,

Plaintiff,

v.

SIDNEY B. DUNMORE, et al.,

Defendants.

No. 2:07-cv-02493-TLN-DB

ORDER

This matter is before the Court on Plaintiff Travelers Casualty and Surety Company of America's ("Plaintiff") *Ex Parte* Application. (ECF No. 402.) Defendants Sidney B. Dunmore, an individual; Sid Dunmore Trust dated February 28, 2003, a California Trust; and Sidney B. Dunmore, Trustee of Sid Dunmore Trust dated February 28, 2003, (collectively "Defendants") oppose the application. (ECF No. 403.) Plaintiff filed a reply. (ECF No. 404.) Plaintiff's *Ex Parte* Application seeks an order requiring Sidney B. Dunmore to relinquish his passport to the Court until he complies with the Court's Order (ECF No. 399) to repatriate funds. In the alternative, Plaintiff requests an order shortening the time for a hearing on this matter.

The Court is not inclined to rule on a request for seizing a person's passport in an *ex parte* application. This disinclination is heightened here, where Plaintiff knew of the information offered in support of their emergency request well before the request was made. (*Compare* ECF

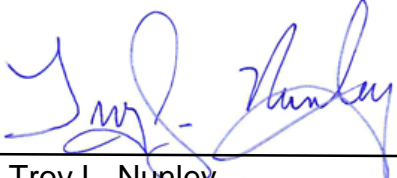
1 No. 402-1 *with* ECF No. 383-1.) The only new information suggesting any type of an emergency
2 is an unsubstantiated exhibit purporting to show Defendant Sidney B. Dunmore sold his home on
3 December 11, 2017. (ECF No. 404-2 at 6, Ex. A.) Without more information demonstrating
4 exigency or urgency, the Court will not rule on an application that removes — even temporarily
5 — a person’s ability to travel.

6 As to Plaintiff’s request to shorten time, the same facts suggest such a request is without
7 merit. However, in light of Defendants’ pending motion for reconsideration (ECF No. 400) and
8 the Court’s desire to expeditiously decide both matters without wasting judicial resources, the
9 Court will offer an abbreviated briefing schedule. The hearing time for Plaintiff’s motion to order
10 Sidney B. Dunmore to surrender his passport is hereby shortened and the motion shall be heard
11 on January 25, 2018 at 2 PM in Courtroom 2. The motion shall be filed on or before January 8,
12 2018. Any opposition or statement of non-opposition shall be filed on or before January 15,
13 2018. Any reply shall be filed on or before January 22, 2018. The Court recommends each party
14 thoroughly discuss *Bank of America, N.A. v. Veluchamy*, 643 F.3d 185 (7th Cir. 2011), as well as
15 any and all applicable Ninth Circuit cases, both by the Circuit Court and the District Courts
16 within the Circuit. Finally, the Court suggests presenting any applicable California statutory law
17 which either allows or prohibits the Court from ordering Defendant to surrender his passport to
18 the Court.

19 For the foregoing reasons, Plaintiff’s *Ex Parte* Application to order Sidney B. Dunmore to
20 surrender his passport is hereby DENIED and the request for an order shortening time for a
21 hearing on the matter is hereby GRANTED.

22 IT IS SO ORDERED.

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24 Dated: January 4, 2018

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Troy L. Nunley
United States District Judge