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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 LEAGUE TO SAVE LAKE TAHOE
11 and SIERRA CLUB,

12 Plaintiffs,

13 v. NO. CIV. S-08-2828 LKK/GGH

14 TAHOE REGIONAL PLANNING
15 AGENCY,

O R D E R

16 Defendant.

17 Pending before the court is a motion¹ to shorten time filed
18 by Mark R. Gilmartin, on behalf of himself and as trustee for a
19 trust in his name. This motion was filed on Wednesday September
20 9, 2009, and asks that the court hear a concurrently filed motion
21 to intervene in the above-captioned case on September 14, 2009.
22 Plaintiff environmental groups have filed an opposition to this
23 motion.

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25 ¹ Although styled as a motion, the application has not been
26 noticed for hearing, and therefore appears to be more properly
construed as an ex parte application. The distinction is not
relevant to the court's disposition of the application.

1 The court is currently scheduled to hear oral argument on a
2 motion for a preliminary injunction on that day, and Gilmartin
3 contends that his motion should be heard concurrently. However,
4 plaintiffs' motion for a preliminary injunction was filed on July
5 1, 2009, and has been set for hearing on this date since July 21,
6 2009. Gilmartin has not sufficiently explained why his motion to
7 intervene could not have been timely filed, nor has Gilmartin
8 explained why, if timely filing was impossible, he was prevented
9 from filing until three court days before the forthcoming hearing.

10 For these reasons, Gilmartin's ex parte application, Doc. No.
11 67, is DENIED. If Gilmartin seeks to intervene, he shall notice
12 a motion in accordance with the ordinary rules of this court. See
13 Local Rule 78-230(b).

14 IT IS SO ORDERED.

15 DATED: September 11, 2009.

Lawrence K. Karlton
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT