1

2

3

4

5

6

7

8　　　　　　　　　　IN THE UNITED STATES DISTRICT COURT

9　　　　　　　　　FOR THE EASTERN DISTRICT OF CALIFORNIA

10　MARK THOMSEN,

11　　　　　　Plaintiff,　　　　　　　No. CIV S-09-1108 KJM EFB

12　　　　vs.

13　SACRAMENTO METROPOLITAN
　　FIRE DISTRICT; and DOES 1-50,
14　inclusive,

15　　　　　　Defendants.　　　　ORDER

16

17　　　　On March 23, 2012, plaintiff filed an application for an order shortening time on a motion

18　for contempt for defendant's failure to comply with the court's order of March 12, 2012; to

19　compel further responses to plaintiff's special interrogatories, set one; and to compel production

20　of documents pursuant to defendant's Rule 26 disclosure. Dckt. No. 53. Plaintiff's counsel

21　contends that he has attempted to secure the requested documents for the past two months, and

22　that although "Defendant provides just enough documents and information to make us believe

23　that they are going to fully comply in just a little more time, . . . the balance of the information

24　has never arrived, despite a Court order and Defendant's counsel acknowledgments that they

25　have not turned over everything requested . . . ." *Id.* at 2. According to plaintiff's counsel, "it is

26　imperative that this be heard [as] expeditiously as possible" because the discovery cutoff date in

1

1   this case is April 2, 2012. *Id.* Plaintiff's counsel contends that he sought a stipulation to shorten

2   time from defense counsel, but was unable to obtain such a stipulation. *Id.* at 5-6.

3   Eastern District of California Local Rule 144(e) provides that "Applications to shorten

4   time shall set forth by affidavit of counsel the circumstances claimed to justify the issuance of an

5   order shortening time [and] will not be granted except upon affidavit of counsel showing a

6   satisfactory explanation for the need for the issuance of such an order and for the failure of

7   counsel to obtain a stipulation for the issuance of such an order from other counsel or parties in

8   the action." In light of the representations set forth in plaintiff's counsel's declaration, Dckt. No.

9   53, plaintiff's application for an order shortening time will be granted.

10   Accordingly, IT IS ORDERED that:

11   1. Plaintiff's application for an order shortening time, Dckt. No. 53, is granted.

12   2. Plaintiff's motion to compel will be heard on Wednesday, March 28, 2012, at 4:30

13   p.m. in Courtroom No. 24.

14   3. By 3:00 p.m. today (Friday, March 23, 2012), plaintiff's counsel shall file a copy of

15   the motion to compel.

16   4. By 5:00 p.m. on Monday, March 26, 2012, the parties shall file a Joint Statement re

17   Discovery Disagreement ("Joint Statement"), providing (1) each specific disputed discovery

18   category or item; (2) the response; (3) the moving party's position; and (4) the opposition.[1]

19   5. In addition to filing the Joint Statement electronically in .pdf format, plaintiff shall

20   also submit the Joint Statement by email in Word or Word Perfect format to

21   ///

22   ///

23

24   [1] The Joint Statement shall comply with the content requirements set forth in Local Rule 251. The parties are also reminded of the necessity of meeting and conferring in good faith, and attempting to resolve their discovery dispute prior to preparation of their Joint Statement. Failure

25   of any party to do so or to use best efforts to ensure timely filing of the Joint Statement will be cause for sanctions. *See* Local Rule 251(d). If the parties are able to resolve the dispute without

26   court intervention, plaintiff's counsel shall withdraw the motion as soon as possible.

1 thinkle@caed.uscourts.gov by 5:00 p.m. on Monday, March 26, 2012. The email subject line

2 must contain the words "Joint Statement," as well as the case number.

3   SO ORDERED.

4 DATED: March 23, 2012   /s/ Edmund F. Brennan
                                        EDMUND F. BRENNAN

5   UNITED STATES MAGISTRATE JUDGE