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

JEREMY GILMORE, et al.,

Plaintiffs,

2:09-cv-2180 JAM DAD

v.

UNION PACIFIC RAILROAD
COMPANY, et al.,

Defendants.

ORDER SHORTENING TIME FOR
PLAINTIFFS TO FILE AND SERVE A
MOTION FOR COSTS AND SANCTIONS

_____ /

Plaintiffs have filed an ex parte application for an order shortening time for service of a motion to recover costs and for sanctions as a result of the non-appearance of a subpoenaed witness at deposition and the failure of defendant Union Pacific Railroad Company and deponent’s attorney to produce the witness for deposition. Plaintiffs seek leave to set their motion for hearing on September 17, 2010, so that it may be heard with the motion for sanctions already set for hearing on that date by defendant Union Pacific Railroad Company.

As both motions arise from the same events, the court finds good cause to grant plaintiffs’ ex parte application. Plaintiffs shall file and serve a notice of motion and motion scheduling their motion for hearing on September 17, 2010. As provided in Local Rule 251(a), the motion shall not be accompanied by any other documents, such as a memorandum of points and authorities, declarations, or exhibits.

1 Counsel shall confer as required by Local Rule 251(b) and shall produce a single
2 Joint Statement re Discovery Disagreement that addresses both motions. As the party who filed
3 the first motion, defendants' counsel shall draft the statement, unless the parties agree between
4 themselves that plaintiffs shall draft the statement. The Joint Statement shall comply in all
5 respects with Local Rule 251(c). In particular, "[a]ll arguments and briefing that would
6 otherwise be included in a memorandum of points and authorities supporting or opposing the
7 motion shall be included in this joint statement and no separate briefing shall be filed." Local
8 Rule 251(c). Briefing previously submitted with the parties' motions will be disregarded. No
9 declarations or exhibits are to be included in or filed along with the Joint Statement unless
10 essential for resolution of a disputed point.

11 Due to the shortened schedule for the filing of plaintiffs' motion, the court will
12 extend the parties' time to file the Joint Statement as set forth below.

13 Good cause appearing, IT IS ORDERED that:

14 1. Plaintiffs' August 30, 2010 ex parte application for order shortening time is
15 granted;

16 2. Plaintiffs' motion to recover costs and for sanctions shall be noticed for
17 hearing on September 17, 2010, and shall be filed and served on or before September 9, 2010;

18 3. The parties' Joint Statement re Discovery Disagreement with respect to both
19 motions set for hearing on September 17, 2010, shall be filed on or before September 15, 2010.

20 DATED: September 3, 2010.

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24 DALE A. DROZD
25 UNITED STATES MAGISTRATE JUDGE

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