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

LARY FEEZOR,	)	
	)	2:09-cv-03324-GEB-CMK
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u> *
	)	
GOLDEN BEAR RESTAURANT GROUP,	)	
INC. dba ARBY'S; A&R INVESTMENT	)	
COMPANY; CARISCH, INC. dba	)	
ARBY'S; CARISCH BROTHERS, L.P.	)	
dba ARBY'S,	)	
	)	
Defendants.	)	
_____	)	
	)	
AND RELATED CROSS-CLAIMS.	)	
_____	)	

17 On February 1, 2012, Defendant and Cross-Claimant A & R  
18 Investment Company ("A & R") filed an Ex Parte Application to shorten  
19 time to hear a motion for relief from Scheduling Order, and the motion  
20 it desires heard is attached as an exhibit to the application. A & R  
21 desires to have the referenced motion heard on February 6, 2012, which  
22 is the last hearing date for motions prescribed in the Scheduling Order.  
23 Concerning ex parte applications to shorten time, Eastern District Local  
24 Rule 144(e) states, in relevant part:

25 Ex parte applications to shorten time will not be  
26 granted except upon affidavit of counsel showing a  
27 satisfactory explanation for the need for the  
28 issuance of such an order and for the failure of

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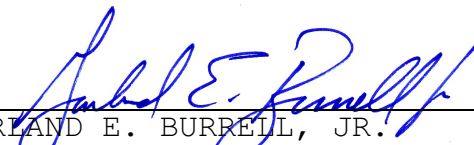
\* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 230(g).

1 counsel to obtain a stipulation for the issuance of  
2 such an order from other counsel or parties in the  
action.

3 A & R fails to satisfy this rule since it has not shown a satisfactory  
4 reason for having the referenced motion heard on shortened time. Nor has  
5 A & R explained why it could not obtain a stipulation from other counsel  
6 for an order shortening time.

7 Therefore, A & R's application for an order shortening time is  
8 denied, and the February 6, 2012 hearing A & R noticed for hearing in  
9 the application is vacated.

10 Dated: February 2, 2012

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GARLAND E. BURRELL, JR.  
United States District Judge