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

SANTIAGO IBARRA RIVERA,
individually and as class
representative,

Plaintiff,

2:10-mc-0098 LKK DAD

v.

COUNTY OF LOS ANGELES, et al.,

Defendants.

ORDER

_____/

This miscellaneous case arises from an action proceeding in the United States District Court for the Central District of California. On September 23, 2010, counsel on behalf of plaintiff applied *ex parte* for an order commanding Dennis Cross, a non-party witness who resides in Sacramento County, to appear pursuant to subpoena for a deposition on September 27, 2010. On September 24, 2010, non-party Dennis Cross, through counsel, filed an unnoticed motion to quash the subpoena. The undersigned is unable to find that plaintiff will suffer harm by complying with this court's 21-day notice requirement for motions dealing with discovery matters. See Local Rule 251(a). The undersigned therefore finds that plaintiff has failed to demonstrate good cause to consider his application either *ex parte* or on shortened notice.

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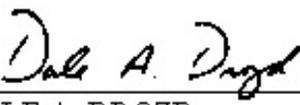
1 Accordingly, IT IS ORDERED that:

2 1. Plaintiff's September 23, 2010 *Ex Parte* Application to Enforce Deposition
3 Subpoena (Doc. No. 1) is denied;

4 2. Non-party Dennis Cross's September 24, 2010 Motion to Quash (Doc. No. 3)
5 shall be noticed for hearing before the undersigned pursuant to Local Rule 251. Movant may
6 contact Pete Buzo, courtroom deputy to the undersigned, at (916) 930-4128, concerning available
7 hearing dates. Movant shall then file and serve a notice of motion setting the motion to quash for
8 hearing on an appropriate date. Any party may appear at the hearing telephonically by contacting
9 Pete Buzo no later than three days before the noticed hearing date. A land-line telephone number
10 must be provided for telephonic appearance; and

11 3. Plaintiff's counsel shall serve a copy of this order and copies of any notices of
12 motion filed in this case upon counsel for defendants in the underlying action.

13 DATED: September 24, 2010.

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17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

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