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

FIRST NORTHERN BANK OF DIXON,
a California banking corporation,

Plaintiff,

No. 2:11-cv-02976 MCE KJN

v.

DAVID HATANAKA; CANDICE
HATANAKA,

Defendants.

ORDER

Presently before the court is plaintiff's ex parte application for an order shortening time in this removed unlawful detainer action, which seeks a hearing date earlier than December 22, 2011, in regards to plaintiff's motion to remand. (Dkt. Nos. 9-10.)¹

According to counsel for plaintiff First Northern Bank of Dixon ("plaintiff"), defendants David and Candice Hatanaka ("defendants") verbally agreed to have plaintiff's

¹ Plaintiff's filings at the court's electronic Docket Numbers 9 and 10 could be clearer. Specifically, the Notice of Motion is identical for both filings, and each filing is styled as an ex parte motion for an order shortening time. (Dkt. Nos. 9-10.) However, the supporting documents filed along with the motion at Docket Number 9 indicate that this filing is intended as plaintiff's ex parte application for an order shortening the time in which to hear plaintiff's motion to remand. (Dkt. No. 9.) The supporting documents filed with the motion at Docket Number 10 indicate that this filing is itself plaintiff's motion to remand, notwithstanding its being styled as another ex parte request for an order shortening time.

1 motion to remand heard on shortened time, but never returned a signed stipulation to that effect.
2 (Declaration of John McCardle (“McCardle Decl.”), Dkt No. 9-2 at 2-3.)

3 Upon review of plaintiff’s ex parte application, pursuant to Eastern District Local
4 Rule 144(e) and for good cause shown, IT IS HEREBY ORDERED that:

5 1. Plaintiff’s ex parte application for an order shortening time (Dkt. No. 9), is
6 granted.


7 2. The undersigned shall hear plaintiff’s motion to remand on **December 15,**
8 **2011, at 10:00 a.m., in Courtroom 25.**

9 3. Defendants’ opposition to plaintiff’s motion to remand (Dkt. No. 10), if
10 any, shall be filed **on or before December 8, 2011** (seven days before the hearing). Plaintiff’s
11 reply briefing, if any, shall be filed on or before **December 12, 2011.**

12 4. While the undersigned will not be inclined to move the hearing date for
13 plaintiff’s motion to remand (Dkt. No. 10), which is now set for December 15, 2011, however,
14 upon defendants’ written request, the undersigned may permit defendants’ opposition to that
15 motion to be filed fewer than seven days before that hearing date. Should defendants require
16 additional time to prepare a written opposition to plaintiff’s motion to remand (Dkt. No. 10),
17 defendants must file a brief written request explaining the need for additional time.²

18 IT IS SO ORDERED.

19 DATED: November 29, 2011

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21 
22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE
24

25 ² Any such request should be made **before** the filing deadline of December 8, 2011. E. Dist.
26 Local Rule 144(d) (“Requests for Court-approved extensions brought on the required filing date for the pleading or other document are looked upon with disfavor.”).