



1 The filer is required to contact the courtroom deputy and the  
2 opposing party prior to the filing of the ex parte application in order  
3 to advise that such request is being made. In addition, the  
4 document(s) must indicate whether or not an opposition will be  
5 filed. The filer shall include an affidavit indicating a satisfactory  
6 explanation for the following: (1) the need for the issuance of such  
7 an order, (2) the failure of the filer to obtain a stipulation for the  
8 issuance of such an order from other counsel or parties in the  
9 action, and (3) why such request cannot be noticed on the court's  
10 motion calendar as provided by Local Rule 230.

7 Standing Order 5, ECF No. 55-1. The Yeagers' application, if a motion, was not filed in  
8 accordance with the Local Rules. If intended as an *ex parte* application, its filing did not comply  
9 with this court's standing order. The court has overlooked procedural shortcomings in the  
10 Yeagers' filings while cautioning that "[p]ro se litigants are held to the same standard as those  
11 represented by a lawyer." Order Mar. 5, 2015, at 2, ECF No. 164 (citing E.D. Cal. L.R. 183(a)).  
12 The Yeagers' future failures to follow local rules and this court's standing order can be expected  
13 to face appropriate sanctions, including the striking of noncompliant motions or applications.

14 An application for reconsideration must describe "what new or different facts or  
15 circumstances are claimed to exist which did not exist or were not shown upon such prior motion,  
16 or what other grounds exist for the motion" and "why the facts or circumstances were not shown  
17 at the time of the prior motion." E.D. Cal. L.R. 230(j). The Yeagers have described no new or  
18 different facts or circumstances. They argue only that the "attorney-client privilege is  
19 sacrosanct"; that Ms. Yeager understood General Yeager's waiver did not reach any proceedings  
20 outside the evidentiary hearing; and that the scope of the waiver should be limited in  
21 consideration of fairness. The court considered these points before issuing its previous order.  
22 Reconsideration now would lead to no different conclusion.

23 The motion for reconsideration is DENIED.

24 IT IS SO ORDERED.

25 DATED: April 16, 2015.

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28 UNITED STATES DISTRICT JUDGE