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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 LEON JEROME MARTIN,

12 Plaintiff,

13 v.

14 CITY OF VALLEJO, et al.,

15 Defendants.  
16

No. 2:14-cv-0554 DAD PS

ORDER

17 On August 6, 2015, defendants filed an ex parte application for an order shortening time  
18 for hearing of defendants' motion to quash a subpoena. (Dkt. No. 68.) Therein, defendants assert  
19 that defense counsel received a subpoena from plaintiff's assistant requiring the appearance of  
20 Vallejo Police Department Captain Lee Horton at the August 14, 2015 scheduled hearing on  
21 plaintiff's motion to compel. Defendants seek an order shortening time to hear defendants'  
22 motion to quash that subpoena prior to the August 14, 2015 hearing of plaintiff's motion to  
23 compel. Plaintiff has filed an opposition to defendants' motion. (Dkt. No. 70.)

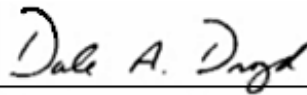
24 The undersigned has reviewed the parties' papers submitted in connection with the motion  
25 to quash the subpoena in question and does not require oral argument on that issue. In short, the  
26 court does not intend to hear witness testimony at the August 14, 2015 hearing of plaintiff's  
27 motion to compel. In the unlikely event that, after considering the parties' briefing and oral  
28 arguments on the motion to compel, the court determines that the taking of testimony would be

1 helpful in resolving that motion, the court will reconsider whether requiring Captain Horton's  
2 appearance at a later evidentiary hearing would be appropriate.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Defendants' August 6, 2015 motions for an order shortening time and to quash  
5 subpoena (Dkt. No. 68) is granted; and  
6 2. Vallejo Police Department Captain Lee Horton need not appear at the August 14, 2015  
7 hearing of plaintiff's motion to compel.

8 Dated: August 10, 2015

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10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE  
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