

1 calendar the matter is to be heard before such stipulations are given
2 effect. Any proposed order shortening time shall include blanks for
3 the Court to designate a time and date for the hearing and for the
4 filing of any response to the motion.

5 “Ex parte motions are rarely justified.” Mission Power Eng’g Co. v. Cont’l Cas. Co., 883
6 F. Supp. 488, 490 (C.D. Cal. 1995). To justify ex parte relief, “the evidence must show that the
7 moving party’s cause will be irreparably prejudiced if the underlying motion is heard according to
8 regular noticed motion procedures. . . . [and] it must be established that the moving party is
9 without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a
10 result of excusable neglect.” Id. at 492.

11 Here, plaintiff’s application is procedurally defective. First, plaintiff has failed to set forth
12 a “satisfactory explanation for the need for the issuance of such an order.” Id. The court does not
13 consider the fact that defendant is unlikely to oppose plaintiff’s motion to be a satisfactory
14 explanation for the shortening of time. Nor can the court say that plaintiff’s cause will be
15 irreparably prejudiced if its motion for default judgment is not heard on a shortened schedule. In
16 fact, plaintiff’s argument seems to be that defendant will not be prejudiced by the shortening of
17 time because it will not respond regardless of how much time it is given. This does not help
18 plaintiff establish that it will be prejudiced if its motion is not heard on a shortened schedule.
19 Plaintiff’s argument merely helps establish that defendant will not be prejudiced if the court
20 grants plaintiff’s application, which is not sufficient under Rule 144(e).

21 For these reasons, plaintiff’s ex parte application for an order shortening time is denied.

22 IT IS SO ORDERED.

23 DATED: September 24, 2014

24 
25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
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