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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENERAL CHARLES E. "CHUCK"  
YEAGER (RET.), et al.,  
  
                                Plaintiffs,  
  
                                v.  
  
PARSONS BEHLE & LATIMER, PLC, et  
al.,  
  
                                Defendants.

No. 2:14-cv-2544 KJM DAD PS

ORDER

Plaintiffs Charles Yeager and Victoria Yeager are proceeding pro se in the above entitled action. The case was referred to the undersigned pursuant to Local Rule 302(c)(21).

On January 5, 2015, defendants filed an ex parte application for an order continuing the hearing of plaintiffs' motion to remand, currently set for hearing before the undersigned on January 23, 2015. (Dkt. No. 14.) Therein, defendants explain that commencing January 5, 2015, "John Zarian and Kennedy Luvai, the two individuals most familiar with this matter, will be serving as lead counsel in a matter that will be the subject of a two week trial . . . ." (Id. at 1.) Accompanying defendants' application are affidavits of counsel stating that a stipulation extending time could not reasonably be obtained, explaining the reasons why the stipulation could not be obtained and the reasons why the requested extension of time is necessary. Although, defendants' filing states that counsel advised plaintiffs that the ex parte request would be made

1 and that it was “unclear whether Plaintiffs will oppose such a request,” (Id. at 2) the court is  
2 aware that plaintiffs do oppose defendants’ request.

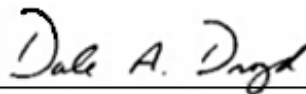
3 The court may grant an initial ex parte extension of time upon the affidavit of counsel that  
4 a stipulation extending time cannot reasonably be obtained, explaining the reasons why such a  
5 stipulation cannot be obtained and the reasons why the extension is necessary. E.D. Cal. Local  
6 Rule 144(c). Except for one such initial extension, ex parte applications are not ordinarily  
7 granted. (Id.) Here, the court finds that defendants’ application has demonstrated that an initial  
8 extension of time is necessary and that defendant’s application satisfies the requirements of Local  
9 Rule 144(c).

10 Accordingly, **IT IS ORDERED** that:

11 1. The hearing of plaintiffs’ motion to remand is continued from January 23, 2015, to  
12 **Friday, March 20, 2015, at 10:00 a.m.**<sup>1</sup>, at the United States District Court, 501 I Street,  
13 Sacramento, California, in Courtroom No. 27, before the undersigned.

14 2. Any party may appear at the hearing of the motion to remand telephonically if the  
15 party pre-arranges such appearance by contacting Pete Buzo, the courtroom deputy of the  
16 undersigned magistrate judge, at (916) 930-4128, no later than 48 hours before the hearing; a land  
17 line telephone number must be provided.

18 Dated: January 8, 2015

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> Although defendants’ requested only a twenty-one day continuance of the hearing, plaintiffs  
28 have since advised the court that March 20, 2015, is the first available hearing date that would  
allow for their appearance in light of their other commitments.