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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PASKENTA BAND OF NOMLAKI  
INDIANS; and PASKENTA  
ENTERPRISES CORPORATION,

Plaintiffs,

v.

INES CROSBY; JOHN CROSBY;  
LESLIE LOHSE; LARRY LOHSE;  
TED PATA; JUAN PATA; CHRIS  
PATA; SHERRY MYERS; FRANK  
JAMES; UMPQUA BANK; UMPQUA  
HOLDINGS CORPORATION;  
CORNERSTONE COMMUNITY BANK;  
CORNERSTONE COMMUNITY  
BANCORP; JEFFERY FINCK; GARTH  
MOORE; HARTH MOORE INSURANCE  
AND FINANCIAL SERVICES, INC.;  
ASSOCIATED PENSION  
CONSULTANTS, INC.; HANESS &  
ASSOCIATES, LLC; ROBERT M.  
HANESS; THE PATRIOT GOLD &  
SILVER EXCHANGE, INC. and  
NORMAN R. RYAN,

Defendants,

SILVER QUICKEN LOANS, INC.;  
CRP 111 WEST 141ST LLC;  
CASTELLAN MANAGING MEMBER  
LLC; CRP WEST 168TH STREET  
LLC; and CRP SHERMAN AVENUE  
LLC,

Nominal  
Defendants.

No. 2:15-cv-00538-GEB-CMK

**ORDER DENYING PLAINTIFFS' EX  
PARTE APPLICATION FOR AN ORDER  
SHORTENING TIME**

On July 9, 2015, Plaintiffs filed an ex parte  
application for an order shortening time ("OST") seeking an

1 accelerated hearing on their motion for a preliminary injunction  
2 ("PI"), which is currently noticed for hearing on July 27, 2015.  
3 (Pls.' Appl. OST, ECF No. 77.) Plaintiffs seek in the PI motion  
4 an order freezing certain Defendants' assets during the pendency  
5 of this lawsuit. (See Pls.' Mot. PI, ECF No. 72.) Plaintiffs  
6 "request acceleration of th[e] hearing date" on their PI motion,  
7 contending they learned two days after filing the motion that  
8 Defendant Crosby has attempted to sell property that is involved  
9 in the PI motion, specifically a sports car. (Pls.' Appl. OST  
10 1:10-12; see also Decl. Andrew Purdy ¶ 2, ECF No. 77-1.)

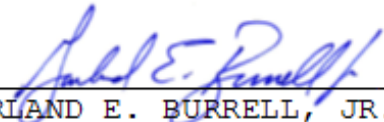
11 Defendants John Crosby, Ines Crosby, Leslie Lohse, and  
12 Larry Lohse (collectively "Defendants") oppose the OST  
13 application, rejoining "the emergency that Plaintiffs claim  
14 supports an order shortening time does not exist." (Defs.' Opp'n  
15 2:8-9, ECF No. 78.) Defendants submit the Declaration of  
16 Defendant Crosby in support of their opposition, in which he  
17 avers that as of "July 2, 2015, [he has] made no further efforts  
18 to sell the [referenced sports] car, and [he is] not going to  
19 sell the car until at least after the preliminary injunction  
20 motion is decided." (Decl. John Crosby ¶ 4, ECF No. 78-1.)

21 Local Rule 144(e) prescribes, in relevant part, that  
22 "[e]x parte applications to shorten time will not be granted  
23 except upon affidavit of counsel showing **a satisfactory**  
24 **explanation for the need for the issuance of such an order.**"  
25 (emphasis added). Absent a sufficient showing concerning "the  
26 circumstances claimed to justify the issuance of an order  
27 shortening time," the prescribed manner for handling law and  
28 motion should not be disregarded. Id. Plaintiffs have not shown

1 sufficient explanation for the need of the issuance of an OST.  
2 Therefore, Plaintiffs' application for an OST is DENIED.

3 Dated: July 10, 2015

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GARIAND E. BURRELL, JR.  
Senior United States District Judge