

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CITY OF STERLING HEIGHTS  
GENERAL EMPLOYEES'  
RETIREMENT SYSTEM, Individually  
and on Behalf of All Others Similarly  
Situated,

Plaintiffs,

v.

PRUDENTIAL FINANCIAL, INC., et al.,

Defendants.

No. 2:15-mc-0146 WBS AC

**Main Case: 2:12-cv-5275 MCA LDW  
(D.N.J.)**

ORDER

The California Department of Insurance and Commissioner David E. Jones ("movants") have filed this Miscellaneous proceeding, seeking to quash a non-party deposition subpoena served upon them by plaintiffs. The main case under which this proceeding is brought is pending in the District of New Jersey: City of Sterling Heights General Employees' Retirement System v. Prudential Financial, Inc., 2:12-cv-5275 MCA LDW (D.N.J.). This matter was referred to the undersigned by E.D. Cal. R. ("Local Rule") 302(c)(1).

IT IS HEREBY ORDERED that:

1. Movants' ex parte application (ECF No. 2) is DENIED in part, to the extent it requests a briefing schedule on the motion to quash. Movants and plaintiffs shall file only a Joint Statement in regard to that motion, as discussed below.

1           2. Plaintiffs shall respond in writing to that portion of movant's ex parte application that  
2 seeks an order staying the deposition until the motion can be resolved (ECF No. 2), no later than  
3 December 7, 2015 at 3:30 p.m. (Pacific Time). Plaintiffs are free to file a Statement of No  
4 Opposition as their response, if they have no opposition to that portion of the application.

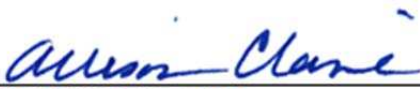
5           3. The Motion To Quash Subpoena is SET FOR HEARING before the undersigned on  
6 December 23, 2015 at 10:00 a.m., in Courtroom 26, Eighth Floor.

7           a. This proceeding, including the motion to quash, is governed by the procedures  
8 outlined in the undersigned's "Standard Information," which includes the instructions regarding  
9 "Discovery Disputes." See [www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-allison-claire-ac)  
10 [states-magistrate-judge-allison-claire-ac](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-allison-claire-ac).

11           b. The parties shall also comply with (1) this court's Local Rules, including Local  
12 Rule 251 governing Discovery Matters, see [www.caed.uscourts.gov/caednew/index.cfm/rules/local-](http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules)  
13 [rules](http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules), and (2) the Federal Rules of Civil Procedure (as amended on December 1, 2015).

14           c. Movants and plaintiffs are cautioned that the motion to quash will be decided  
15 based upon the Joint Statement only. In regard to that motion, the undersigned will not consider  
16 any declarations, memoranda or other documents (including any already filed on the docket), that  
17 are not included in the Joint Statement.

18 DATED: December 4, 2015

19   
20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26  
27  
28