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28United States District Court
For the Northern District of CaliforniaIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALAN KONIG,

Plaintiff,

v.

LAWRENCE J. DAL CERRO, et al.,

Defendants

No. C-04-2210 MJJ

**ORDER GRANTING NON-PARTY PHILIP
E. KAY'S MOTION TO SHORTEN TIME;
SETTING BRIEFING SCHEDULE AND
HEARING DATE ON MOTION TO
UNSEAL**

Before the Court is non-party Philip E. Kay's ("Kay") Motion to Shorten Time, filed February 18, 2009, by which he seeks an order shortening time for hearing of his motion "for Leave to Intervene and to Unseal Records" ("Motion to Unseal"), also filed February 18, 2009. Defendants State Bar of California, Lawrence J. Dal Cerro, Russell Weiner, Allen Blumenthal, and Robert Hawley have filed opposition to the Motion to Shorten Time. Plaintiff Alan Konig has not filed a response. Having read and considered the papers filed in support of and in opposition to the Motion to Shorten Time, the Court rules as follows.

Good cause appearing, the Motion to Shorten Time is hereby GRANTED, and the Court sets the following briefing schedule and hearing date:

1. Any opposition or response to the Motion to Unseal shall be filed no later than Monday, March 2, 2009.
2. Kay's reply shall be filed no later than Friday, March 6, 2009, by 4:00 p.m.


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3. The Court will conduct a hearing on Friday, March 13, 2009, at 9:00 a.m.

In briefing the matter, the parties, as to each of the sealed documents identified in Exhibit A to Kay's Motion to Unseal, should focus on whether or not "compelling reasons supported by specific fact[s] . . . outweigh the general history of access and the public policies favoring disclosure." See Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal quotation and citation omitted). Any issue pertaining to whether the material sought by Kay is or may be discoverable or admissible in Kay's pending State Bar proceeding should be directed to the appropriate state forum.

IT IS SO ORDERED.

Dated: February 25, 2009


MAXINE M. CHESNEY
United States District Judge