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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AUTHEN TEC, INC.,

Plaintiff,

No. C 08-1423 PJH

v.

ORDER

ATRUA TECHNOLOGIES, INC.,

Defendant.

On June 29, 2009, non-party Atrua LLC filed an "expedited" motion for "miscellaneous relief," seeking an order lifting the stay imposed in the above-entitled action, and substituting Atrua LLC as real party in interest, in place of defendant Atrua Technologies, Inc., for purposes of settlement. Atrua LLC also seeks to have the motion heard telephonically.

To the extent that Atrua LLC intends the motion to be an administrative motion under Civil Local Rule 7-11, the court finds that the motion does not fall within the limits of that rule, which applies to "miscellaneous administrative matters, not otherwise governed by a Federal statute, Federal or local rule or standing order of the assigned judge." Civ. L.R. 7-11(a).

In addition, the proper way to request an expedited hearing on a noticed motion is to request an order shortening time, or to submit a stipulated request for an order shortening time. See Civ. L.R. 6-2, 6-3. Here, however, in view of the likelihood that any request for an order shortening time would be granted, the court will interpret Atrua LLC's motion as having made such a request. The request is GRANTED.

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The request for a telephonic hearing is DENIED. The court will hear the motion on Wednesday, July 15, 2009, at 9:00 a.m., in Courtroom 5 of the Federal Building, 450 Golden Gate, San Francisco, California. The stay is lifted for the limited purpose of Atrua LLC's motion, but is otherwise extended until the date of the hearing.

Any opposition or statement of non-opposition must be filed no later than Monday, July 6, 2009.

IT IS SO ORDERED.

Dated: June 30, 2009



PHYLLIS J. HAMILTON
United States District Judge