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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LONNIE PHIPPS,
Plaintiff,
vs.
RELIANCE LIFE INSURANCE
COMPANY,
Defendant.

Case No: C 11-02151 SBA
ORDER
Docket 41.

On May 18, 2012, Defendant Reliance Life Insurance Company ("Defendant") filed an ex parte application requesting a June 1, 2012 hearing date for its motion to modify the scheduling order ("Application"). Dkt. 41. Plaintiff Lonnie Phipps ("Plaintiff") opposes the Application. Dkt. 43. The Court construes Defendant's Application as a request for an order shortening time.¹ Under the Local Rules of this District, a party seeking to have a motion heard on shortened time must submit a declaration that, among other things, "[i]dentifies the substantial harm or prejudice that would occur if the Court did not change the time." See Civil L.R. 6-3(a)(3). Here, Defendant's Application is not accompanied by a declaration that complies with the requirements of Local Rule 6-3. Accordingly, Defendant's Application is DENIED. This Order terminates Docket 41.

IT IS SO ORDERED.

Dated: 5/31/12


SAUNDRA BROWN ARMSTRONG
United States District Judge

¹ The Court notes that the correct procedure for seeking relief on less than the 35 days notice proscribed by Local Rule 7-1(a)(1) is to accompany the motion seeking substantive relief with a motion to shorten time brought under Local Rule 6-3 (or, where the parties are in agreement as to the need to shorten time, a stipulation under Local Rule 6-2).

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