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E-filed 10/30/06

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GEORGETTE POULIOT, et al.,

Case No. C06-06319 JW

Plaintiffs,

**ORDER DENYING EX PARTE
MOTION FOR LEAVE TO TAKE
EXPEDITED DISCOVERY**

v.

URSULA WEISS, et al.,

Defendants.

On the same day they filed their "Verified Shareholder Derivative Complaint," plaintiffs filed what they styled an "Ex parte Motion for Leave to Take Expedited Discovery." The discovery sought consists of certain financial and accounting books and records of Applied Specialties of California, Inc., a California corporation. Plaintiffs claims to be the majority shareholders of that corporation. Defendant Ursula Weiss is alleged to be the corporate president and a minority shareholder. Plaintiffs allege they have been trying for months to get access to corporate information that they are entitled to by right, and that they need in conjunction with a contemplated sale of the corporation to a third party. Weiss, who apparently opposes the third party sale (and wants to buy control of the corporation herself) has supposedly stonewalled all of plaintiffs' entreaties for the information.

United States District Court
For the Northern District of California

1 The plaintiffs may well be entitled to the discovery they seek, but they will not get it
2 here and now. Defendants have not appeared. (Indeed, it is unknown if they have even been
3 served with a summons and a complaint.) Worse, the plaintiffs' present motion does not seek
4 permission to *propound* early discovery; rather, it presumptuously asks the court (with no notice
5 to defendants) to issue an order requiring them to turn over the information in question. This
6 the court will not do. Plaintiffs' motion is DENIED.

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8 **IT IS SO ORDERED.**

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10 Dated: 10/30/06

11 /s/ Howard R. Lloyd
12 HOWARD R. LLOYD
13 UNITED STATES MAGISTRATE JUDGE
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1 THIS IS TO CERTIFY THAT A COPY OF THIS ORDER WILL BE ELECTRONICALLY
2 MAILED TO:

3 Vernon H. Granneman vernon.granneman@pillsburylaw.com, meri@pillsburylaw.com;
4 david.tull@pillsburylaw.com

5 Stephen N. Hollman jls@businessandtechnologylawgroup.com
6

7 **Counsel are responsible for transmitting this order to co-counsel who have not signed up**
8 **for e-filing.**

9
10 Dated: 10/30/06

11 /s/ JMM
12 Chambers of Magistrate Judge Howard R. Lloyd
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