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United States District Court
For the Northern District of California

E-FILED on 8/11/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ECLECTIC PROPERTIES EAST, LLC, a
California Limited Liability Company, et al.,

Plaintiffs,

v.

THE MARCUS & MILLICHAP COMPANY,
a California corporation, et al.,

Defendants.

No. C-09-0511 RMW

ORDER RE PLAINTIFF'S MOTION TO
SHORTEN LENGTH OF TIME TO
RESPOND AND MOTION TO SET DATES
CERTAIN

[Re Docket No.136]

On July 30, 2009 plaintiffs filed a Motion to Shorten Length of Time to Respond and Motion to Set Dates Certain for Jurisdictional Discovery and Briefing Schedule re: Defendant Paul Morabito's Motion to Dismiss. Defendants Paul Morabito and Baruk Management Inc. have filed objections but have not provided a substantive response. Accordingly, defendants' opposition papers shall be filed and served on or before August 14, 2009. No reply papers shall be filed. The August 21, 2009 hearing date is hereby vacated and the court will determine the motion on the moving and opposition papers.

A word of caution to the parties: the disputes that have already arisen between these parties so early in the case suggest a remarkable lack of good faith cooperation among counsel. The court does not have unlimited resources at its disposal and each dispute the parties bring before the court


ORDER RE PLAINTIFF'S MOTION TO SHORTEN LENGTH OF TIME TO RESPOND AND MOTION TO SET DATES CERTAIN—No. C-09-0511 RMW
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1 requires the court to divert resources away from other pressing and deserving matters. When the
2 disputes that the parties choose to bring before the court are ones that could have been resolved by
3 the good faith, professional cooperation of counsel, the parties unfairly arrogate scarce judicial
4 resources that could otherwise have been expended on matters of more pressing concern and more
5 deserving of judicial attention.

6 **Counsel are encouraged to reach agreement on the date for Mr. Morabito's deposition,**
7 **the date for production of documents, and the supplemental briefing schedule on the**
8 **jurisdictional issues, but if they are unable to do so, the court will issue an appropriate order,**
9 **one which may include sanctions.**

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DATED: 8/11/09



RONALD M. WHYTE
United States District Judge

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23 Counsel are responsible for distributing copies of this document to co-counsel that have not
24 registered for e-filing under the court's CM/ECF program.

26 **Dated:** 8/11/09 _____

27 _____ TER
28 **Chambers of Judge Whyte**