

1 is August 23, 2011, only three weeks before the deadline to disclose its expert report on damages.
2 Elan also notes that its discovery requests implicate a Rule 30(b)(6) deposition that includes topics
3 on Apple's iOS application financial data.

4 Apple opposes the motion on shortened time on the grounds that Elan has failed to show
5 substantial harm or prejudice if its motion to compel is heard on a regular briefing schedule. Apple
6 notes that notwithstanding that the action was originally filed two years ago, Elan waited until April
7 12, 2011 to serve Apple with its discovery responses related to iOS apps. After Apple served
8 objections on May 12, 2011, Elan waited until June 10, 2011 to follow up. Apple argues that Elan
9 was not diligent in seeking the discovery and any prejudice is of Elan's own making.²

10 Civ. L.R. 6-3 requires that a motion to shorten time "identif[y] the substantial harm or
11 prejudice that would occur if the court did not change time." Here, Elan has not shown substantial
12 harm or prejudice that would occur if its motion is not heard earlier than August 23, 2011, or that
13 would justify the understandable frustrations of others in the court's motion queue who would
14 necessarily get bumped. Accordingly, Elan's motion to shorten time is denied.

15 **IT IS SO ORDERED.**

16 Dated: July 18, 2011

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18 PAUL S. GREWAL
United States Magistrate Judge

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² While not in any way commenting on the merits of Elan's underlying motion, the court notes that Apple's argument suggests that it would have no problem producing the data requested on an expedited basis, if compelled to do so.