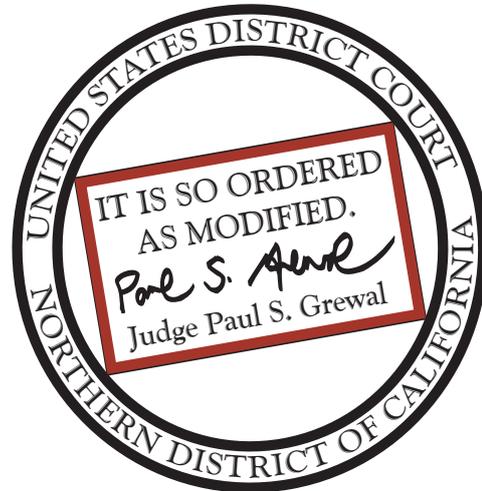


1 Joel P. Gumbiner (State Bar No. 111586)  
2 Gordon D. McAuley (State Bar No. 99932)  
3 GUMBINER & ESKRIDGE LLP  
4 2950 Buskirk Avenue, Suite 300  
5 Walnut Creek, California 94597  
6 Telephone: (925) 933-5800  
7 Facsimile: (925) 933-5837  
8 Email: [Joel@insuredlaw.com](mailto:Joel@insuredlaw.com)  
9 Email: [Gordon@insuredlaw.com](mailto:Gordon@insuredlaw.com)

10 Attorneys for Plaintiff  
11 City of Capitola



12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 CITY OF CAPITOLA, ) Case No.: 5:12-cv-03428-LHK  
15 )  
16 Plaintiff, )  
17 )  
18 v. ) **APPLICATION FOR ORDER**  
19 ) **SHORTENING TIME FOR**  
20 ) **HEARING ON MOTION TO**  
21 ) **COMPEL**  
22 ) **REQUESTED HEARING**  
23 ) **DATE: Jan. 22, 2013**  
24 ) **TIME: 10:00 a.m.**  
25 ) **CTRM: 5, Fifth Floor**  
26 ) **JUDGE: Hon. Paul Singh**  
27 ) **Grewall**  
28 )

29 LEXINGTON INSURANCE COMPANY,  
30 and DOES 1 through 100, inclusive,  
31 Defendants.

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Plaintiff City of Capitola hereby applies for an Order Shortening Time for the filing and hearing of a Motion to Compel to be heard by this Court on January 22, 2013 at 10:00 a.m in Courtroom 5, the Honorable Paul Singh Grewall presiding. The attached Certificate establishes that the hearing of this motion on shortened time is necessary because the Court's fact discovery cut-off date is March 8, 2013; a mediation in the case is set for January 29; and

1 depositions are set to proceed immediately thereafter if the case does not settle. The  
2 documents requested in the motion are essential for Plaintiff to investigate the claims asserted  
3 in its Complaint, and to conclude the scheduled depositions before the discovery cut -off date.  
4 Per the accompanying Certificate of Joel P. Gumbiner, defense counsel does not object to  
5 setting the hearing on shortened time.  
6

7  
8 **GUMBINER & ESKRIDGE LLP**

9 Dated: January 3, 2013

By:

  
Joel P. Gumbiner, Attorney for Plaintiff,  
CITY OF CAPITOLA

11  
12 **ORDER**

13 Having considered the Application for Order Shortening Time for Hearing on Motion  
14 to Compel, and Certificate in Support, and finding good cause therefor,

15 It is HEREBY ORDERED that the Application is GRANTED. The Hearing on the  
16 Motion to Compel is set for Tuesday, January 22, 2013 at 10:00 a.m. in Courtroom 5. Plaintiff  
17 having filed and served by email attachment its underlying Motion papers on January 3, 2013,  
18 Defendant shall file its Opposition Brief by January 11, 2013. No reply will be considered.  
19  
20

21  
22 Dated: January 14, 2013

  
United States Magistrate Judge