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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MICHAEL E BOYD,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
TREASURY, et al.,
Defendants.

Case No. 15-cv-03494-BLF

**ORDER GRANTING IN PART AND
DENYING IN PART JOINT EX PARTE
APPLICATION**

[Re: ECF 98]

On November 14, 2016, Defendants filed a joint ex parte application to set hearing on all of Defendants’ motions to dismiss on January 26, 2017. Mot., 4, ECF 98. Defendant Brown and Cohen also seek leave to update their pending motion to dismiss. *Id.* For reasons stated below, the Court GRANTS IN PART and DENIES IN PART this joint ex parte application.

The Court cannot accommodate any additional hearings on the requested date because the calendar is full. As such, the Court DENIES Defendants’ request to schedule all of their motions to dismiss on January 26, 2017. The Court GRANTS Defendants Brown and Cohen’s request to refile an updated motion to dismiss.

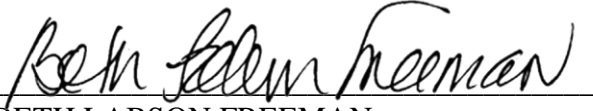
Even though the Court is ruling on this ex parte application, counsel is advised that an ex parte application for this type of relief is improper and without good cause. Defendants assert that “good cause” exists to file this application without notice to opposing party because of judicial economy. *Id.* However, the Court notes that with respect to the relief sought here, filing an administrative motion would not sacrifice judicial economy, while also providing notice to the opposing party. Accordingly, an administrative motion under Civil Local Rule 7-11 and the

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Court's Standing Order re Civil Cases, subsection C.1 should be the appropriate procedure here.

IT IS SO ORDERED.

Dated: November 15, 2016


BETH LABSON FREEMAN
United States District Judge