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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RICHARD SCHONBACHLER, Plaintiff, vs. KAROL WESTERN CORPORATION, *et al.*, Defendants.	Case No. 2:08-cv-01157-LDG-GWF **ORDER** Motion to Continue (#93)

This matter is before the Court on Plaintiff Richard Schonbachler's Expedited *Ex Parte* Motion to Continue Hearing (#93), filed August 18, 2010, and Defendant Karol Western's Opposition to Plaintiff's Expedited *Ex Parte* Motion to Continue Hearing (#94), filed August 19, 2010.

In the present motion, Plaintiff requests that the hearing on Defendants' Motion for an Order Holding Plaintiff in Contempt (#89) be continued from its current date of August 23, 2010 as Plaintiff's counsel is on vacation at that time. (#93). As the hearing date is rapidly approaching, Plaintiff asks that the Court hear the matter on an expedited[1] basis. Defendants oppose what they characterize as a last minute request to continue the hearing. (#94). The Court finds that a continuation of the hearing is merited as Plaintiff's counsel will be out of town and Defendants will not be prejudiced by the delay in the hearing. Accordingly,

. . .

[1] Plaintiff appears to have titled the present motion "*ex parte*" in an attempt to have the matter heard on an emergency or expedited basis. However, the latin term "*ex parte*" does not refer to the speed in which the Court considers a motion. *Ex parte* is an adverb that refers to a legal communication that is undertaken "without notice to or argument from the adverse party". BLACK'S LAW DICTIONARY (8th ed. 2004). The Certificate of Service attached to the present motion states that the motion was served on Defendants. (#93 at 5). As a result, the motion is not *ex parte*.

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IT IS HEREBY ORDERED that Plaintiff Richard Schonbachler's Expedited *Ex Parte* Motion to Continue Hearing (#93) is **granted**. The hearing on Defendant Karol Western's Motion for an Order Holding Plaintiff in Contempt (#89) is now set for **Friday, September 10, 2010** at **3:00 PM** in LV Courtroom 3A before Magistrate Judge George Foley Jr.

DATED this 20th day of August, 2010.

GEORGE FOLEY, JR.
United States Magistrate Judge