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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JONATHAN REDFERN and  
MARGARET REDFERN, individually and  
as husband and wife, and as next friend  
of their minor children;

Plaintiffs,

v.

TRANSAMERICA MOVING, INC., a  
California corporation; ALEXANDER  
PLOTKIN, ALLA ZHUK, TONY  
PLUMMER, FRANCISCO (last name  
unknown), and JOY (last name unknown),  
all individually and doing business as  
TRANSAMERICA MOVING, INC.;  
BLACK and WHITE CORPORATIONS;  
ABLE and BAKER COMPANIES; RED  
and GREEN PARTNERSHIPS; and  
JOHN DOES I through X, inclusive,

Defendants.

Case No.: 3:09-cv-317 LRH-VPC

Redfern et al vs Transamerica Moving, Inc. et al

Doc. 21

**EX PARTE MOTION FOR ORDER SHORTENING TIME**

PLAINTIFFS, JONATHAN REDFERN and MARGARET REDFERN, through  
counsel, RICHARD G. HILL, CHARTERED, move the Court pursuant for an order  
shortening time within which any other party may file their opposition, if any, to Plaintiffs'  
*Amended Motion for Preliminary and Permanent Injunction*. Plaintiffs ask the Court to  
note that they have requested an expedited hearing on the motion for preliminary

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1 injunction, to take place no later than June 30, 2009, and that unless time is shortened,  
2 briefing will not be completed before the hearing. Counsel for Plaintiff has attempted to  
3 resolve this matter informally with counsel for Defendants, but has been unable to do so.  
4 See Declaration of Richard G. Hill, filed herewith.

5 In the alternative, if the Court is unwilling or unable to shorten the time  
6 sufficiently to set the preliminary injunction hearing no later than June 30, 2009, Plaintiffs  
7 request leave pursuant FRCP 31(a)(2)(A)(iii) to take the depositions of the following  
8 individuals before the time specified in FRCP 26(d), so that their testimony can be  
9 presented at the hearing pursuant to FRCP 32(a)(4): Plaintiff, Margaret Redfern;  
10 Alexander Plotkin, also known as Ali Zhuk; Tony Plummer; Joshua Beil; and Billie Frazier.

11 As to Margaret Redfern, Plaintiffs will wish to use her deposition testimony at  
12 the hearing pursuant to FRCP 32(a)(4)(E). Exceptional circumstances make it desirable  
13 to present her testimony by deposition because of the Redferns' prior travel commitments,  
14 as discussed above. To require her to travel to and from Michigan and Nevada for the  
15 hearing would be time consuming, expensive and wasteful when a reasonable alternative  
16 is available under the Rules.

17 As to the remaining witnesses identified above, Plaintiff is informed and  
18 believes that each witness is more than 100 miles from the place of hearing, and that their  
19 attendance cannot be secured by subpoena. See FRCP 32(a)(4)(B), (D). See also FRCP  
20 45(b)(2).

21 As of this time, counsel for Plaintiffs has been in contact with Jeffrey D. Nadel,  
22 Esq., counsel for defendant Transamerica Moving, Inc. Although Mr. Nadel states that he  
23 is not admitted in Nevada, Mr. Nadel as been advised of the need for the requested relief  
24 of this and the companion motions. See Exhibit 1 attached to the Declaration of Richard  
25 G. Hill, Esq.

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WHEREFORE, Plaintiffs pray for the following relief:

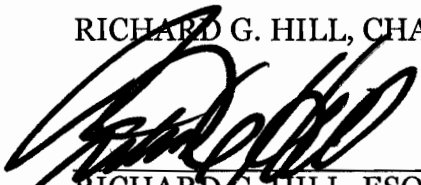
1. That the Court order any party wishing to file an opposition to Plaintiffs' *Amended Motion for Preliminary and Permanent Injunction* do so no later than Friday, June 26, 2009; **or, in the alternative,**

2. That the Court order that Plaintiffs are given leave to conduct the depositions of Margaret Redfern, Alexander Plotkin, also known as Ali Zhuk, Tony Plummer, Joshua Beil and Billie Frazier (all telephonically) on shortened notice, and that Plaintiffs be allowed to present that testimony at the requested preliminary injunction hearing by deposition;

3. For such other, further and additional relief as seems just to the Court in the premises.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of June, 2009

RICHARD G. HILL, CHARTERED



RICHARD G. HILL, ESQ.  
652 Forest Street  
Reno, Nevada 89509  
Attorneys for Plaintiffs

**ORDER**

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of June, 2009



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE