UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TAWFIQ MORRAR and AMNA SALAMEH, Plaintiffs, v. UNITES STATES and USDA FOOD & NUTRITION SERVICE, Defendants.	No. 2:19-cv-833-KJM-KJN ORDER GRANTING APPLICATION TO SHORTEN TIME ON PLAINTIFFS' MOTION FOR LIMITED EXPEDITED DISCOVERY

On May 10, 2019 Plaintiffs Morrar and Salameh filed a § 1983 complaint against Defendants United States and USDA Food & Nutrition Service. (ECF No. 1) On May 29, Plaintiffs filed a preliminary injunction motion before District Judge Mueller. (ECF No. 7) Associated with that motion, Plaintiffs request limited expedited discovery. (ECF No. 10) On June 11, Plaintiffs moved (ex-parte) for an order shortening time to hear their motion for limited expedited discovery—proposing June 20, 2019. (ECF No. 9) Local Rule 144(e) states:

> Applications to shorten time shall set forth by affidavit of counsel the circumstances claimed to justify the issuance of an order shortening time. Ex parte applications to shorten time will not be granted except upon affidavit of counsel showing a satisfactory explanation for the need for the issuance of such an order and for the failure of counsel to obtain a stipulation for the issuance of such an order from other counsel or parties in the action. Stipulations for the issuance of an order shortening time require the approval of the

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> Judge or Magistrate Judge on whose calendar the matter is to be heard before such stipulations are given effect.

Plaintiffs filed with their application the affidavit of their counsel, Stewart Fried. (ECF No. 9-1) Therein, Fried argues that due to "the exigent circumstances that underlie Morrar's application to shorten time and [their] Motion for Leave to Take Limited Expedited Discovery," the Court should grant the motion to shorten time. (Id. at ¶ 9). He lists the following exigent circumstances: (a) Plaintiffs filed a motion for preliminary injunction on May 29, which is set for a hearing before District Judge Mueller on June 28, 2019; (b) On June 5 and June 11, Fried attempted to confer with Counsel for Defendants concerning the request to expedite discovery, to no avail; (c) without the shortened time, the motion on the expedited discovery would not be heard until July 11—almost two weeks after Judge Mueller's hearing on the preliminary injunction. (Id. at ¶¶ 4-8) Fried represents that "Counsel for Defendants has represented that they do not oppose a ruling from this Court with respect to the Application for Order to Shorten Time without conducting a hearing." (Id. at ¶ 11).

Plaintiffs' application and affidavit proffers a "satisfactory explanation" for why an order shortening time should be granted. Further, it appears from Fried's affidavit that opposing counsel has stipulated to shortening time without a hearing (though the record does not otherwise reflect this).

Accordingly, it is HEREBY ORDERED:

1. The motion to shorten time (ECF No. 9) is GRANTED;
2. The hearing on the motion to shorten time, currently set for June 13, is VACATED;
3. Defendants have until June 17, 2019, at 4:00 p.m., to file their opposition to Plaintiffs' motion for Limited Expedited Discovery; and
4. The hearing on the Motion for Limited Expedited Discovery will be held on June 20, 2019, at 10:00 a.m., in Courtroom 25.

Dated: June 13, 2019

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE