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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 INTERNATIONAL FRANCHISE
12 ASSOCIATION, *et al.*,

13 Plaintiffs,

14 v.

15 STATE OF CALIFORNIA, *et al.*,

16 Defendants.
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Case No. 20-cv-02243-BAS-DEB

**ORDER GRANTING DEFENDANTS’
EX PARTE APPLICATION FOR
LEAVE TO FILE NOTICE OF
SUPPLEMENTAL AUTHORITY
(ECF No. 26)**

19 Pending before the Court is Defendants’ *ex parte* application for leave to file notice
20 of supplemental authority. (ECF No. 26.) Defendants seek to file notice of Judge
21 Robinson’s recent order in *Goro v. Flowers Foods, Inc.*, No. 17-CV-2580 TWR (JLB),
22 2021 WL 4295294 (Sept. 21, 2021), as supplemental authority in support of their motion
23 to dismiss.

24 Under Civil Local Rule 83.3(g)(2), a party moving *ex parte* is required to file an
25 affidavit or declaration showing that the party met and conferred with opposing counsel
26 about the intent to file an *ex parte* motion, made a good faith effort to do so, or should be
27 excused from the meet-and-confer obligation. Once an *ex parte* motion is filed, the
28 opposing party has two court days to notify the Court with the intent to oppose the motion.


1 Judge Bashant's Standing Order for Civil Cases ¶ 6. "*Ex parte* applications that are not
2 opposed within two Court days must be considered unopposed and may be granted on that
3 ground." *Id.*

4 Here, counsel for Defendants filed a declaration stating that on October 4, 2021, she
5 met and conferred with counsel for Plaintiffs about the intent to file the present motion.
6 (ECF No. 26 at 3.) On the same day, counsel for Defendants moved, *ex parte*, for the
7 Court's leave to file notice of supplemental authority. (ECF No. 26.) Seven court days
8 have passed, yet Plaintiffs have not notified the Court of their intent to oppose the motion.

9 As such, the Court **GRANTS** Defendants' *ex parte* application to file notice of
10 supplemental authority as unopposed. (ECF No. 26.)

11 **IT IS SO ORDERED.**

12
13 **DATED: October 13, 2021**


Hon. Cynthia Bashant
United States District Judge