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CENTRAL DISTRICT OF CALIFORNIA  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,  
  
Plaintiff,  
  
vs.  
  
ROBERT L. REEVES & ASSOCIATES,  
  
Defendants.

CASE NO. CV 00-10515 DT (RZx)

ORDER DENYING PLAINTIFF'S  
EX PARTE APPLICATION FOR  
COURT ORDER TO COMPEL  
WITNESS FOR DEPOSITION

Plaintiff's ex parte application for an order compelling Robert Reeves to appear for his deposition is denied. The urgency for the ex parte procedure, and for the failure to follow the procedures set forth in Local Rule 7.15, is said to be that the deposition is needed to oppose a summary judgment motion set for hearing on September 24, 2001. Under the local rules, any opposition to that motion was due two weeks prior to the hearing date, and any deposition at this late date – even assuming it could be transcribed immediately – would come far too late. Plaintiff states that it has opposed the motion on the grounds set forth in FED. R. CIV. P. 56(f). Perhaps the events relating to the non-appearance of the deponent will be evaluated in connection with that

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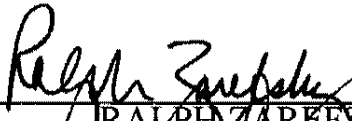
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1 opposition, but that is not for this Court to determine. The mere existence of the hearing  
2 date, under the circumstances presented here, is not a basis for ex parte relief.

3 IT IS SO ORDERED.

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5 DATED: September 19, 2001

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9 RALPH ZAREFSKY  
10 UNITED STATES MAGISTRATE JUDGE  
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