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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *K. Ridgeway* DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11	U.S. EQUAL EMPLOYMENT	)	Civil No. 00cv0779 B(RBB)
12	OPPORTUNITY COMMISSION,	)	
		)	<b>ORDER GRANTING PLAINTIFF'S EX</b>
	Plaintiff,	)	<b>PARTE APPLICATION TO SHORTEN</b>
13		)	<b>TIME; DENYING PLAINTIFF'S EX</b>
	v.	)	<b>PARTE MOTION TO COMPEL</b>
14		)	
	VULCAN MATERIALS CO., dba	)	
15	CALMAT CO.,	)	
		)	
16	Defendants.	)	

18 On March 21, 2001, Plaintiff submitted an Ex Parte Application  
 19 For An Order Shortening Time For Hearing Of Motion To Compel [Doc.  
 20 No. 42]. Shortly thereafter, on March 29, 2001, Plaintiff  
 21 submitted its Ex Parte Motion To Compel Attendance Of 30(B)(6)  
 22 Witness. The EEOC contends that it must file both requests on an  
 23 ex parte basis in order to comply with the April 9, 2001, discovery  
 24 cutoff date set in the Court's Case Management Conference Order  
 25 [Doc. No. 10].

26 Defendant opposes Plaintiff's request to shorten time.  
 27 Specifically, Vulcan states that the parties have not met and

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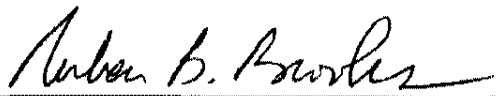
1 conferred on the disputed issues and notes that it is willing to  
2 waive any defense based on the discovery cut-off date.

3 Plaintiff's application to shorten time is **GRANTED**. However,  
4 an Ex Parte Application submitted shortly before the discovery  
5 cutoff is an inappropriate vehicle for resolving the merits of  
6 these disputes prior to the deadline, especially in the absence of  
7 a meeting and conference of counsel on the discovery issues.  
8 Because Defendant is willing to extend the discovery cutoff date,  
9 there is no reason to hear the motions on an ex parte basis. A  
10 stipulation to extend the discovery deadline or a noticed motion  
11 are the preferred procedures.

12 The parties shall meet and confer on the disputed issues no  
13 later than April 13, 2001. If the discovery disputes cannot be  
14 resolved by the parties, Plaintiff may file a noticed motion to  
15 compel by April 20, 2001; Defendant may file its opposition by  
16 April 27, 2001. The parties may notice the hearing for May 14,  
17 2001, at 10:00 a.m. Counsel are advised that, absent compelling  
18 reasons, the Court generally applies the amendments to the  
19 discovery rules only to cases filed after December 1, 2000.

20 **IT IS SO ORDERED.**

21  
22 Date: April 3, 2001  
23 cc: Judge Brewster  
24 All Parties  
25  
26  
27  
28

  
\_\_\_\_\_  
RUBEN B. BROOKS  
United States Magistrate Judge