Perry et al v. Sch	warzenegger et al	Doc. 354	
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1	David E. Bunim (SBN 44185)		
2	HAAS & NAJARIAN, LLP 58 Maiden Lane, Second Floor		
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5	Attorneys for Respondent Bill Criswell		
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7			
8	UNITED STATES	DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA		
10			
11	KRISTIN M. PERRY, et al.,	Case No. 09-CV-2292 VRW	
12	Plaintiffs,	APPLICATION FOR ORDER	
13	vs.	SHORTENING TIME	
14	ARNOLD SCHWARZENEGGER, et al.,		
15	Defendants.		
16			
17	Respondent Bill Criswell hereby applies for an Order Shortening Time for the filing of a		
18	Motion to Quash Subpoena to Appear and Testify to be heard on, 2010 at or		
19	as soon thereafter as possible. The attached Declaration demonstrates that the hearing of this motion		
20	on shortened time is necessary because Respondent was served with the subpoena on December 23,		
21	2009, and trial is scheduled to commence in this matter on January 11, 2010, which does not allow		
22	for compliance with the 35 day notice requirement in Civil Local Rule 7-2(a). Respondent's counsel		
23	has notified Plaintiffs' counsel via telephone voicemail that this application would be filed		
24	electronically, and the Declaration so stating accompanies this application.		
25	This application is based on the accompanying Points and Authorities and Declaration of		
26	David E. Bunim.		
27			
28			
HAAS & NAJARIAN, LLP 58 Maiden Lane, 2 <sup>nd</sup> Floor	- 1 -		

1	DATED: January <u>6</u> , 2010	Respectfully submitted:	
2		HAAS & NAJARIAN, LLP	
3			
4		By:	
5		David E. Bunim Attorneys for Respondent	
6		Bill Criswell	
7	Bill Criswell hereby submits h	is Memorandum of Points and Authorities in support of his	
8	Application for Order Shortening Time, stating as follows:		
9		I.	
10	FACTUAL BACKGROUND		
11	On December 23, 2009, during	g the holiday season, Bill Criswell was served with a Subpoena	
12	to Appear and Testify at trial in this matter, currently set to begin on January 11, 2010. Bunim Decl.		
13	¶ 3. The undersigned filed the Motion to Quash as soon as practicable after determining the need		
14	therefore, but could not obtain a hearing date prior to commencement of trial given the timing of the		
15	service of the subpoena and the notice requirement of Local Rule 7-2(a). Bunim Decl. ¶ 4.		
16	Plaintiffs were notified that Responde	nt would present this application to the Court. Bunim Decl. ¶	
17	5.		
18		II.	
19	GOOD CAUSE EXISTS	TO GRANT AN ORDER SHORTENING TIME	
20	A court may, upon presentation	n with a declaration showing good cause, prescribe shorter	
21	times for the filing and service of paper	ers than the times set forth in local rules of court. See Fed. R.	
22	Civ. P. $6(c)(1)(C)$ . Good cause exists	for an order shortening time when a party will be substantially	
23	prejudiced by any further delay. In th	e instant case, because trial is set for January 11, 2010, it is	
24	imperative that Respondent obtain a d	etermination by the Court as soon as possible as to whether it	
25	will grant a motion to quash, so that a	Il parties may prepare accordingly.	
26	For all of the above reasons, R	espondent respectfully requests an Order Shortening Time for	
27	the filing of a Motion to Quash Subpo	ena to Appear and Testify.	
	l I		

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1	DATED: January <u>6</u> , 2010	Respectfully submitted,
2		HAAS & NAJARIAN, LLP
3		
4		By: <u>/s/</u> David E. Bunim
5		Attorneys for Respondent Bill Criswell
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