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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 LOUIS AND SILVIA MARTINEZ, on )  
behalf of themselves and all other similarly )  
13 situated, )

14 Plaintiffs, )

15 vs. )

16 FIDELITY NATIONAL FINANCIAL, )  
INC., FIDELITY NATIONAL TITLE )  
17 INSURANCE COMPANY, TICOR TITLE )  
INSURANCE COMPANY, TICOR TITLE )  
18 INSURANCE COMPANY OF FLORIDA, )  
CHICAGO TITLE INSURANCE )  
19 COMPANY, NATIONAL TITLE )  
INSURANCE OF NEW YORK, INC., )  
20 SECURITY UNION TITLE INSURANCE )  
COMPANY, THE FIRST AMERICAN )  
21 CORPORATION, FIRST AMERICAN )  
TITLE INSURANCE COMPANY, )  
22 UNITED GENERAL TITLE INSURANCE )  
COMPANY, LANDAMERICA )  
23 FINANCIAL GROUP, INC., )  
COMMONWEALTH LAND TITLE )  
24 INSURANCE COMPANY, LAWYERS )  
TITLE INSURANCE CORPORATION, )  
25 TRANSNATION TITLE INSURANCE )  
COMPANY, STEWART TITLE )  
26 GUARANTY COMPANY and STEWART )  
TITLE INSURANCE COMPANY )

27 Defendants.  
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Case No.: 08-cv-00499-L-WMC

PLAINTIFFS' UNOPPOSED *EX PARTE*  
APPLICATION FOR AN ORDER  
SHORTENING TIME FOR NOTICE OF  
HEARING ON PLAINTIFFS'  
UNOPPOSED MOTION AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES TO TRANSFER VENUE

Date: Sept. 2, 2008  
Time: 8:30a.m.  
Location: Courtroom 14, 5<sup>th</sup> Floor  
Judge: Honorable M. James Lorenz

ORAL ARGUMENT NOT REQUIRED

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

2 PLEASE TAKE NOTICE that Plaintiffs Louis and Silvia Martinez will and hereby do  
3 move the Court to shorten the time for the hearing on Plaintiffs' Unopposed Motion and  
4 Memorandum of Points and Authorities to Transfer Venue.

5 Local Civil Rule 7.1(e) provides for a minimum filing date of 28 calendar days prior to  
6 the Monday for which any matter is to be noticed, unless the court otherwise shortens time.  
7 L.R. 7.1(e). Plaintiffs respectfully request that the Court enter an order shortening time to allow  
8 Plaintiffs' motion to be heard more promptly. Plaintiffs' motion is to transfer venue to the  
9 Northern District of California where this action can be consolidated with other related actions  
10 pending there. Defendants do not oppose the transfer motion and thus there can be no prejudice  
11 in shortening time for notice of the hearing. *See* Declaration of John L. Haeussler in Support of  
12 Unopposed Motion to Transfer Venue. In fact, if the Court finds the transfer motion  
13 appropriate, it could rule on it without the need for a hearing whatsoever.<sup>1</sup>

14 Plaintiffs' have notified Anastasia Angelova, Esq., of the law firm of Greenberg Traurig,  
15 LLP, of their intention to file the instant *ex parte* application. Ms. Angelova has represented she  
16 is authorized to speak for all defendants concerning defendants' non-opposition to the instant  
17 application, and has indicated defendants do not oppose this application.

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26 <sup>1</sup> This Court has rescheduled a hearing pursuant to the Fed. R. Civ. P. 4(m) for August 25,  
27 2008 at 10:30 a.m. As explained in Plaintiffs' Unopposed Motion to Transfer Venue, plaintiffs  
28 have waited for the decision of the Multidistrict Litigation Panel and, subsequently, the  
determination of the consolidation motion before Judge White in the Northern District of  
California before proceeding with further action in this case. Transfer of the action to the  
Northern District may moot the need for the scheduled August 25 Fed. R. Civ. P. 4(m) hearing.

1 Plaintiffs' therefore respectfully request that the court enter an Order Shortening Time to  
2 allow the setting of the hearing for the unopposed motion to transfer venue on or before  
3 September 2 at 10:30 a.m.

4 DATED: August 7, 2008

BARRACK, RODOS & BACINE  
STEPHEN R. BASSER  
JOHN L. HAEUSSLER

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6  
7 /s/ John L. Haeussler  
JOHN L. HAEUSSLER

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**CERTIFICATE OF SERVICE**

*Martinez v. Fidelity, et al.*  
Case No.: 08-cv-00499-L-WMC

I, the undersigned, state that I am employed in the City and County of San Diego, State of California; that I am over the age of eighteen (18) years and not a party to the within action; that I am employed at Barrack, Rodos & Bacine, One America Plaza, 600 West Broadway, Suite 900, San Diego, California 92101; and that on August 7, 2008, I served true copies of the attached:

**PLAINTIFFS' UNOPPOSED EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR NOTICE OF HEARING ON PLAINTIFFS' UNOPPOSED MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES TO TRANSFER VENUE**

**[PROPOSED] ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR HEARING ON PLAINTIFFS' MOTION TO TRANSFER VENUE**

to the parties listed on the attached Service List by the following means of service:

- BY E-FILE:** I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing documents or papers via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List.
- BY E-MAIL:** I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.
- BY MAIL:** I placed true copies in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business and there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of August, 2008.

\_\_\_\_\_  
/s/ Cindy Orihuela  
CINDY ORIHUELA

**SERVICE LIST**  
**California Title Insurance**

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