

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 12-08315-MWF (VBKx)**

Date: **October 18, 2012**

Title: Cindy Lee Garcia -v- Nakoula Basseley Nakoula, et al.

PRESENT: HON. MICHAEL W. FITZGERALD, U.S. DISTRICT JUDGE

Rita Sanchez
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR APPELLANTS:

ATTORNEYS PRESENT FOR APPELLEE:

None Present

None Present

PROCEEDINGS (IN CHAMBERS): ORDER DENYING EX PARTE
APPLICATION [12]

On October 17, 2012, Plaintiff Cindy Lee Garcia filed an Ex Parte Application for a Temporary Restraining Order and an Order to Show Cause Re Preliminary Injunction, and Order of Impoundment (the "Application"). (Docket No. 12). The Application is DENIED.

Ex parte applications solely for extraordinary relief are rarely granted. *See Mission Power Eng'g Co. v. Cont'l Casualty Co.*, 883 F. Supp. 488, 490-91 (C.D. Cal. 1995). In addition, under both the Local Rules and the Procedures of this Court, ex parte applications that fail to include a statement of opposing counsel's position will not be considered. *See* Local Rule 19-1.

Garcia has not advised the Court as to whether Defendants oppose the Application, nor is it clear that the Application has been served on all Defendants. The Court also notes that Garcia's mirror Ex Parte Application for Temporary Restraining Order and For an Order to Show Cause Re Preliminary Injunction was denied in the California Superior Court for the County of Los Angeles on September 20, 2012. *See Cindy Lee Garcia -v- Nakoula Basseley Nakoula, et al.*, BC492358, Civil Minutes (Cal. Sup. Ct. Sept. 20, 2012).

The Court presumes that Defendants oppose the Application. While Defendants had no position on Garcia's request to exceed the page limits set forth in Local Rule 11-6 (*see* Docket No. 8 at 2 n.1), which the Court previously denied

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(Docket No. 11), it was clear that Defendants oppose the relief sought in the Application.

For the reasons stated above and given that the alleged infringement seems to have commenced almost three months ago on July 2, 2012 (*see* Application at 2), the Court declines to consider this Application on an *ex parte* basis. Instead, the Court construes the Application as a motion for a preliminary injunction.

Accordingly, the Court **ORDERS** the following:

Defendants shall file any opposition brief on or before **October 29, 2012**.

Garcia shall file any reply brief on or before **November 5, 2012**.

The hearing on Garcia's motion for preliminary injunction is hereby scheduled for **November 19, 2012 at 10:00 a.m.**

IT IS SO ORDERED.