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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CERF SPV I, LLC,

Plaintiff,

No. CIV 2:10-cv-2670-LKK-JFM

vs.

CHEROKEE INVESTMENT PARTNERS
III, L.P., *et al.*,

Defendants.

ORDER

On January 26, 2012, the court held a hearing on plaintiff’s December 30, 2011 motion to compel and January 23, 2012 motion to strike, as well as the January 6, 2012 motion to quash filed by third parties Cherokee Simeon Venture (“CSV”) and Zeneca, Inc. Gregory Broderick appeared on behalf of plaintiff. William Marsh appeared on behalf of the third parties. Steven Morger appeared for defendants. Upon review of the motions and the documents in support and opposition, upon hearing the arguments of counsel and good cause appearing therefor, THE COURT ORDERS AS FOLLOWS:

1. In light of the Honorable Lawrence K. Karlton’s January 18, 2011 Scheduling Order, which set December 30, 2011 as the discovery deadline, and Judge Karlton’s subsequent December 2, 2011 order declining the parties’ request to modify the scheduling order, the court hereby denies plaintiff’s December 30, 2011 motion to compel.

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2. In accordance with the above, plaintiff's January 23, 2012 motion to strike is denied.

3. CSV and Zeneca's January 6, 2012 motion to quash is continued to February 2, 2012 at 11:00 a.m. in courtroom #26. Counsel for CSV and Zeneca shall submit to the court no later than February 1, 2012 at 12:00 p.m. a letter brief concerning the status of this motion.

DATED: January 27, 2012.


UNITED STATES MAGISTRATE JUDGE

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