

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

J & J SPORTS PRODUCTIONS, INC.,)
)
)
)
Plaintiff,)
vs.)
ELVIA IMELDA FUENTES OLIVARES,)
et al.,)
)
Defendants.)

1:10cv01708 LJO DLB
ORDER EXTENDING TIME TO SUBMIT
OBJECTIONS TO FINDINGS AND
RECOMMENDATION
REGARDING PLAINTIFF'S
APPLICATION FOR
FOR DEFAULT JUDGMENT
(Document 13)

On September 17, 2010, Plaintiff filed the instant action against Defendants Elvia Imelda Fuentes Olivares and Rafael Gil Castillo, individually and d/b/a Tacos Y Mariscos Culiacan ("Defendants"). The complaint is based on allegations that Defendants' unlawfully intercepted, received, and exhibited "'Number One': The Floyd Mayweather, Jr. v. Juan Manuel Marquez Championship Fight Program" ("Program"), which was telecast on September 19, 2009.

On October 26, 2010, Plaintiff filed proofs of service indicating that Defendants were both served on October 1, 2010, by substituted service on Yumey Rocha, the person in charge at Tacos Y Mariscos Culiacan. The process server also mailed the documents to Defendants at the business

1 address. Docs. 5 and 6.

2 On November 10, 2010, pursuant to Plaintiff's request, the Clerk of the Court entered default
3 against both Defendants. Thereafter, Plaintiff filed a motion for default judgment on December 22,
4 2010. Defendants were served with a copy of the motion at their business address.

5 On February 9, 2011, the Court issued Findings and Recommendation that Plaintiff's motion
6 for default judgment be granted. The Findings and Recommendation contained notice that any
7 objections were to be filed within thirty (30) days of the date of service of the order.

8 To date, Defendants have not filed any objections. However, Defendants appeared for a
9 Scheduling Conference on March 14, 2011. Defendants apparently were unaware that the
10 Scheduling Conference had been taken off calendar after the Court issued its Findings and
11 Recommendation. Doc. 14. Defendants explained to the Clerk's Office the following: (1) On
12 January 4, 2011, Defendants received information from the Clerk's Office regarding the Scheduling
13 Conference set for March 14, 2011; (2) Defendants believed that they were not required to act until
14 the Scheduling Conference; and (3) The business address used for service reportedly does not receive
15 delivery of mail.

16 Based on Defendants' efforts to appear and potential issues regarding service, the Court
17 HEREBY ORDERS as follows:

- 18 1. The deadline to file any written objections to the Findings and Recommendation is
19 extended fourteen (14) days from service of this Order. No further extensions will be
20 permitted absent a showing of good cause.
- 21 2. Within fourteen (14) days of service of this Order, Defendants are directed to:
 - 22 (a) file written objections to the Findings and Recommendation, explaining
23 the circumstances leading to entry of default, Defendants' efforts to appear in
24 this matter and the receipt of mail at Defendants' business address. The
25 document should be clearly titled "Objections to Magistrate Judge's Findings
26 and Recommendation;" **and/or**
 - 27 (b) contact Plaintiff's counsel, Thomas Peter Riley, Jr. According to the Court
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

docket, counsel may be contacted at 1114 Fremont Ave., South Pasadena, CA 91030. The telephone number is (626) 799-9797.

3. The Clerk of the Court is directed to serve Defendants with a copy of this order at the following address:

P.O. Box 1861
Winton, CA 95388

IT IS SO ORDERED.

Dated: March 14, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE