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10 **Attorneys for Plaintiff**
11 **J & J Sports Productions, Inc.**

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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**
15 **FRESNO DIVISION**

16 **J & J SPORTS PRODUCTIONS, INC.,**

17 **CASE NO. 1:09-cv-00796-LJO-GSA**

18 **Plaintiff,**

19 **PLAINTIFF'S EX PARTE**
20 **APPLICATION TO CONTINUE**
21 **SETTLEMENT CONFERENCE; AND**
22 **ORDER**

23 **STERLING ZEPHRON MCELROY, et al.**

24 **Defendants.**

25 **TO THE HONORABLE GARY S. AUSTIN, THE DEFENDANT AND HIS**
26 **ATTORNEY/S OF RECORD:**

27 Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* requesting that this Honorable
28 Court continue the Settlement Conference, in the above-entitled action (presently set for Wednesday,
29 October 20, 2010 at 10:30 AM to a new date of Thursday, November 18, 2010 at 10:30 AM).

30 Plaintiff's counsel of record, and trial counsel in the above-entitled action, has two (2)
31 calendaring conflicts on Wednesday, October 20, 2010. Specifically, Plaintiff is ordered to appear
32 before the Honorable Kimberly J. Mueller for a Settlement Conference in the matter of *J & J Sports*
33 *Productions, Inc. v. Jesus Cavazos Hernandez*; Case No. 2:10-cv-01068-LKK-KJM at 1:30 PM in
34 the United States District Court for the Eastern District of California, Sacramento Division that same
35 day. Plaintiff is *also* scheduled to appear before the Honorable Lucy H. Koh for a Case Management
36 Conference in the matter of *Joe Hand Promotions, Inc. vs. Toto Wibow Lukito*; Case No. 5:10-CV-
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1 00209-LHK at 2:00 PM in the United States District Court for the Northern District of California, San
2 Jose Division, that same day as well.

3 In addition, the request for the brief continuance is necessitated by the fact that Plaintiff's
4 Authorized Representative, Joseph M. Gagliardi, President of J & J Sports Productions, Inc. will be
5 out of town on October 20, 2010, also.

6 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court continue the
7 Settlement Conference to a new date of Thursday, November 18, 2010 at 10:30 AM.

8 Respectfully submitted,

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11 Dated: October 14, 2010

12 /s/ Thomas P. Riley
13 **LAW OFFICES OF THOMAS P. RILEY, P.C.**
14 By: Thomas P. Riley
15 Attorneys for Plaintiff
16 J & J Sports Productions, Inc.

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ORDER

It is hereby ordered that the Settlement Conference in civil action number 1:09-cv-00796-LJO-GSA styled *J & J Sports Productions, Inc. v. Sterling Zephron McElroy, et al.*, is hereby continued from Wednesday, October 20, 2010 at 10:30 AM, to Thursday, November 18, 2010 at 10:30 AM.

IT IS SO ORDERED.

Dated: October 18, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE