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 6 THE BURLINGTON  
 INSURANCE COMPANY  
 7

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 THE BURLINGTON INSURANCE )  
 COMPANY, )

No. 1:10-cv-00100-LJO-SKO

13 Plaintiff,

14 vs.

15 DIAMOND PARTNERS, INC., dba THE )  
 OTHER BAR; JACQUELINE GODBOUT )  
 16 and ANTHONY GODBOUT, Individually )  
 and as Conservators of KENNETH )  
 17 GODBOUT; and ANTHONY GODBOUT as )  
 Guardian Ad Litem for the Children of )  
 18 KENNETH GODBOUT, )

REQUEST FOR CONTINUANCE  
 OF SCHEDULING CONFERENCE  
 AND TO EXTEND BY TEN DAYS  
 THE TIME FOR SERVICE OF  
PROCESS; AND PROPOSED ORDER

Date: August 3, 2010  
 Time: 9:00 a.m.  
 Place: Courtroom of Hon. Sheila K. Oberto

19 Defendants. )  
 20

22 On June 18, the Court issued an order authorizing plaintiff The Burlington Insurance  
 23 Company to employ service by publication to serve the summons and complaint on defendants  
 24 Jacqueline Godbout and Anthony Godbout. Plaintiff's counsel thereafter arranged for service by  
 25 publication, which commenced on Friday, July 2.

26 The process is continuing, with the fourth and final notice to be published on Friday, July  
 27 23. Service will therefore be complete on Friday, July 30. *See Watts v. Crawford*, 10 Cal.4th  
 28 743, 747 n.4 (1995) (service by publication is complete upon "the conclusion of the fourth week

1 following the first day of publication"). Defendants will then have 21 days, i.e., until Friday,  
2 August 20, to make their appearances.

3 Plaintiff therefore requests that the Court continue by approximately six weeks the  
4 Scheduling Conference currently scheduled for August 3, 2010, to allow time for the Godbout  
5 defendants to make their appearances and participate in preparing a joint Scheduling Report.  
6 Specifically, to provide sufficient time after Friday, August 20 for plaintiff and defendants to hold  
7 the Rule 26(f) Conference of the Parties and prepare a joint Scheduling Report for filing seven  
8 days before the Scheduling Conference, plaintiff respectfully requests that the Scheduling  
9 Conference be set for Tuesday, September 14, or the first available date thereafter.

10 Plaintiff also requests that the time for service to be completed be extended by  
11 approximately 10 days to July 30, as that is the date on which the service by publication pursuant  
12 to the June 18 Order will be complete.

13 Dated: July 20, 2010

Respectfully submitted,

MORISON HOLDEN DEREWETZKY &  
PROUGH, LLP

17 By: s/Thomas Holden  
18 Thomas Holden

19 Attorneys for Plaintiff  
20 THE BURLINGTON  
INSURANCE COMPANY

21 ORDER

22 The deadline for service of the summons and complaint is extended to July 30, 2010. The  
23 Scheduling Conference set for August 3, 2010, shall be continued to September 14, 2010, at 9:30  
24 a.m.

25 IT IS SO ORDERED.

26 Dated: July 20, 2010

27 /s/ Sheila K. Oberto  
28 UNITED STATES MAGISTRATE JUDGE