

1 **Thomas P. Riley, SBN 194706**
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**
3 **First Library Square**
4 **1114 Fremont Avenue**
5 **South Pasadena, CA 91030-3227**

6 **Tel: 626-799-9797**
7 **Fax: 626-799-9795**
8 **TPRLAW@att.net**

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

11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **FRESNO DIVISION**

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

15 **Plaintiff,**

16 **v.**

17 **DANIEL DELGADILLO, et al.**

18 **Defendants.**

19 **CASE NO. 1:10-cv-00543-LJO-SKO**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **CONTINUING SCHEDULING**
23 **CONFERENCE; AND ORDER**
24 **(Proposed)**

25 **TO THE HONORABLE SHEILA K. OBERTO, THE DEFENDANTS AND THEIR**
26 **ATTORNEY/S OF RECORD:**

27 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order continuing the
28 Scheduling Conference presently set for Tuesday, June 29, 2010 at 9:45 AM. As set forth below
Plaintiff respectfully requests that the Court continues the Scheduling Conference to a new date
approximately Thirty (30) to Forty-Five (45) days forward.

The request for the brief continuance is necessitated by the fact that Plaintiff has not yet
perfected service of the initiating suit papers upon the Defendants Daniel Delgadillo and Francisco
R. Martin, individually and d/b/a Fiesta Club. As a result, Plaintiff's counsel has not conferred with
the defendants concerning the claims, discovery, settlement, or any of the other pertinent issues
involving the case itself or the preparation of a Joint Status Report.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court continue the Scheduling Conference, presently scheduled for Tuesday, June 29, 2010 at 9:45 AM to a new date approximately Thirty (30) to Forty-Five (45) days forward.

Respectfully submitted,

Dated: June 21, 2010

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc.

ORDER

On June 21, 2010, Plaintiff filed a request that the Scheduling Conference in this matter be continued because Plaintiff has not yet served the complaint. Plaintiff is reminded that, pursuant to Fed. R. Civ. Pro. 4(m), “if a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice.” The Court notes that the complaint was filed on March 26, 2010, and asks that Plaintiff diligently pursue service of the complaint.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Scheduling Conference currently set for June 29, 2010, is VACATED; and
2. The Scheduling Conference is hereby RESET to August 3, 2010, at 9:15 a.m.

IT IS SO ORDERED.

Dated: **June 24, 2010**

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE