

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

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

J&J SPORTS PRODUCTIONS, INC.,	)	Case No.: 1:10-cv-00762 AWI JLT
	)	
	)	
Plaintiff,	)	ORDER CONTINUING SCHEDULING
	)	CONFERENCE
v.	)	(Doc. 7)
	)	
CAL CITY POST NO. 476, THE	)	
AMERICAN LEGION, DEPARTMENT	)	
OF CALIFORNIA,	)	
	)	
Defendants.	)	

---

Before the Court is the request of the Plaintiff to continue the scheduling conference, currently set on August 25, 2010, for 30 days. (Doc. 7) In support, Plaintiff asserts that despite “diligent attempts” to serve the defendant, it has been unable to do so.<sup>1</sup>

On April 30, 2010, the Court issued its “Order Setting Mandatory Scheduling Conference.” That Order set forth the obligations of counsel related to the Scheduling Conference. The Order reads,

---

<sup>1</sup>The Court notes that the complaint was filed nearly four months ago. Counsel is reminded that Plaintiff is obligated to serve the summons and complaint within 120 days according to Federal Rules of Civil Procedure 4(m) or to show good cause for its failure to do so.

1 “The Court is unable to conduct a scheduling conference until defendants have  
2 been served with the summons and complaint. Accordingly, plaintiff(s) shall  
3 diligently pursue service of summons and complaint and dismiss those defendants  
4 against whom plaintiff(s) will not pursue claims.”

4 (Doc. 4 at 1) Because the Court cannot conduct a scheduling conference until the defendant has  
5 been served, the Court has no choice but to continue the conference.

6 Therefore the Court **ORDERS**:

- 7 1. The Scheduling Conference currently set on August 25, 2010, will be continued to  
8 October 7, 2010 at 9:00 a.m.;
- 9 2. Plaintiff is ordered to serve a copy of this Order on the defendant.

10  
11 IT IS SO ORDERED.

12 Dated: August 12, 2010

13 /s/ Jennifer L. Thurston  
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28