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9 **Attorneys for Plaintiffs**
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 **vs.**

17 **BRAULIO GAMINO, et al.**

18 **Defendants.**

19 **CASE NO. 1:10-cv-01706-OWW-DLB**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **VACATING THE INITIAL**
23 **SCHEDULING CONFERENCE; AND**
24 **ORDER**

25 **TO THE HONORABLE OLIVER W. WANGER, THE DEFENDANTS, AND THEIR**
26 **ATTORNEYS OF RECORD:**

27 Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Initial
28 Scheduling Conference in this action, presently set for Wednesday, February 16, 2011 at 8:15 A.M.
This request will be, and is, necessitated by the fact that defendants Braulio Gamino and Maria Tomasa
Soto, individually and d/b/a Los Metates Authentic Mexican Food are in default and Plaintiff's
Application for Default Judgment is currently pending before this Honorable Court.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive
pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendants
concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the
case itself or the preparation of a Joint Scheduling Conference Statement.

1 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court vacate the Initial
2 Scheduling Conference presently scheduled for Wednesday, February 16, 2011 at 8:15 A.M. in order
3 that Plaintiff and its counsel may avoid necessary fees and costs in this matter presently pending final
4 disposition by virtue of Plaintiff's Application for Default Judgment by the Court.

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6 Respectfully submitted,

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8 Dated: February 8, 2011

/s/ Thomas P. Riley
 LAW OFFICES OF THOMAS P. RILEY, P.C.
9 By: Thomas P. Riley
10 Attorneys for Plaintiff
 J & J Sports Productions, Inc.

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12
13 **ORDER**

14 It is hereby ordered that the Initial Scheduling Conference in civil action number 1:10-cv-01706-
15 OWW-DLB styled *J & J Sports Productions, Inc. v. Braulio Gamino, et al.*, is hereby vacated.

16 Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a
17 Certification of Service of this Order with the Clerk of the Court.
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21 IT IS SO ORDERED.

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23 Dated: **February 9, 2011**

/s/ Oliver W. Wanger
24 UNITED STATES DISTRICT JUDGE