Thomas P. Riley, SBN 194706 LAW OFFICES OF THOMAS P. RILEY, P.C. First Library Square 1114 Fremont Avenue South Pasadena, CA 91030 Tel: 626-799-9797 Fax: 626-799-9795 TPRLAW@att.net **Attorneys for Plaintiffs** Joe Hand Promotions, Inc. 7 8 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 9 FRESNO DIVISION 10 JOE HAND PROMOTIONS, INC., CASE NO. 1:10-cv-02164-LJO-SKO 11 Plaintiff, 12 PLAINTIFF'S EX PARTE 13 VS. APPLICATION FOR AN ORDER VACATING THE INITIAL 14 ALBERT JOSEPH LABONTE, II, et al. SCHEDULING CONFERENCE; AND 15 **ORDER** Defendant. 16 17 TO THE HONORABLE SHEILA K. OBERTO, THE DEFENDANT, AND HIS 18 ATTORNEYS OF RECORD: 19 Plaintiff Joe Hand Promotions, Inc. hereby applies ex parte for an order vacating the Initial 20 Scheduling Conference in this action, presently set for Tuesday, March 1, 2011 at 9:45 A.M. This request 21 will be, and is, necessitated by the fact that defendant Albert Joseph Labonte, II, individually and d/b/a 22 Tony Romas is in default and Plaintiff's Application for Default Judgment will soon be filed with this 23 Honorable Court. 24 As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive 25 pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendant 26 concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the 27 case itself or the preparation of a Joint Scheduling Conference Statement. 28

PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE SCHEDULING CONFERENCE; AND ORDER (Proposed) CASE NO. «Case_Number_Short» PAGE 11

1 WHEREFORE, Plaintiff respectfully requests that this Honorable Court vacate the Initial Scheduling Conference presently scheduled for Tuesday, March 1, 2011 at 9:45 A.M. in order that Plaintiff 2 and its counsel may avoid necessary fees and costs in this matter presently pending final disposition by 3 virtue of Plaintiff's Application for Default Judgment by the Court. 4 5 6 Respectfully submitted, 7 8 9 10 Dated: February 21, 2011 /s/ Thomas P. Riley 11 LAW OFFICES OF THOMAS P. RILEY, P.C. By: Thomas P. Riley 12 Attorneys for Plaintiff 13 Joe Hand Promotions, Inc. 14 15 /// 16 /// 17 18 /// 19 20 /// 21 22 /// 23 24 25 26 27 28 PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING

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CASE NO. «Case_Number_Short»

THE SCHEDULING CONFERENCE; AND ORDER (Proposed)

1	<u>ORDER</u>		
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3	It is hereby ordered that the Initial Scheduling Conference in civil action number 1:10-cv-02164-		
4	LJO-SKO styled Joe Hand Promotions, Inc. v. Albert Joseph Labonte, II, et al., is hereby vacated.		
5	Plaintiff shall also serve a copy of this Order on the Defendant and thereafter file a Certification of		
6	Service of this Order with the Clerk of the Court.		
7		DDEDED	
8	IT IS SO O	KDEKED.	
9	Dated:	February 23, 2011	/s/ Sheila K. Oberto
10			UNITED STATES MAGISTRATE JUDGE
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PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE SCHEDULING CONFERENCE; AND ORDER (Proposed) CASE NO. «Case_Number_Short»
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