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9 **Attorneys for Plaintiffs**  
10 **Joe Hand Promotions, Inc.**

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

14 **JOE HAND PROMOTIONS, INC.,**

15 **Plaintiff,**

16 **vs.**

17 **ALBERT JOSEPH LABONTE, II, et al.**

18 **Defendant.**

19 **CASE NO. 1:10-cv-02164-LJO-SKO**

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

25 **TO THE HONORABLE SHEILA K. OBERTO, THE DEFENDANT, AND HIS**  
26 **ATTORNEYS OF RECORD:**

27 Plaintiff Joe Hand Promotions, Inc. hereby applies *ex parte* for an order vacating the Initial  
28 Scheduling Conference in this action, presently set for Tuesday, March 1, 2011 at 9:45 A.M. This request  
will be, and is, necessitated by the fact that defendant Albert Joseph Labonte, II, individually and d/b/a  
Tony Romas is in default and Plaintiff's Application for Default Judgment will soon be filed with 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 defendant  
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.



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**ORDER**

It is hereby ordered that the Initial Scheduling Conference in civil action number 1:10-cv-02164-LJO-SKO styled *Joe Hand Promotions, Inc. v. Albert Joseph Labonte, II, et al.*, is hereby vacated.

Plaintiff shall also serve a copy of this Order on the Defendant and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED.

Dated: February 23, 2011

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE