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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 **RAMON LOPEZ FRANCO, et al.**

18 **Defendant.**

19 **CASE NO. 1:11-cv-01563-AWI-MJS**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **CONTINUING INITIAL SCHEDULING**
23 **CONFERENCE AND EXTENDING**
24 **TIME TO COMPLETE SERVICE; AND**
25 **ORDER (Proposed)**

26 **TO THE HONORABLE ANTHONY W. ISHII, THE DEFENDANT/S AND THEIR**
27 **ATTORNEY/S OF RECORD:**

28 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order continuing the Initial Scheduling Conference presently set for Thursday, December 22, 2011 at 10:30 AM. As set forth below Plaintiff respectfully requests that the Court continue the Initial Scheduling Conference and extend the time to complete service 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 Defendant Ramon Lopez Franco, individually and d/b/a El Jaliciense Bar. 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 Initial Scheduling Conference Statement.

1 Plaintiff recently identified an alternative address that it believes will be successful to serve
2 its initiating suit papers, upon the Defendant.

3 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court continue the Initial
4 Scheduling Conference, presently scheduled for Thursday, December 22, 2011 at 10:30 AM and permit
5 an additional Thirty (30) to Forty-Five (45) days from today's date to effectuate service of the
6 Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the
7 alternative, a Notice of Voluntary Dismissal as to Defendant.

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Respectfully submitted,

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Dated: December 14, 2011

/s/ Thomas P. Riley

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

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By: Thomas P. Riley

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Attorneys for Plaintiff

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J & J Sports Productions, Inc.

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ORDER

It is hereby ordered that the Case Management Conference in civil action number 1:11-cv-01563-AWI-MJS styled *J & J Sports Productions, Inc. v. Ramon Lopez Franco, et al.*, is hereby continued from 10:30 AM, Thursday, December 22, 2011 to February 9, 2012 at 10:30 in Courtroom 6 (MJS), Fresno Court House.

Plaintiff is granted an additional Thirty (30) to Forty-Five (45) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to defendant Ramon Lopez Franco, individually and d/b/a El Jaliciense Bar, where service has not been made or service by publication requested.

Plaintiff shall 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: December 15, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE