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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 JANICE TRAEGER and PHILIP TRAEGER) Case No. 1:11-CV-01747-LJO-DLB
11)
12 Plaintiffs) **APPLICATION AND DECLARATION**
13 vs.) **TO CONTINUE MANDATORY**
14 UNITED STATES POSTAL SERVICE; and) **SCHEDULING CONFERENCE AND**
15 PHILLIPS WEST COAST PROPERTIES) **ORDER THEREON**
16 LLC) Trial Date: None
17)
18 Defendant)
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APPLICATION

Plaintiff hereby applies for an order continuing the Mandatory Scheduling Conference from January 26, 2012 to April 17, 2012 at 9:30 a.m. on the grounds that,

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despite reasonable diligence in effecting service, defendants have not yet appeared in this action.

Dated: January 20, 2012

**WILLIAMS, JORDAN, BRODERSEN,
& PRITCHETT LLP**

By /s/ Ralph B. Jordan
Ralph B. Jordan,
Attorneys for Plaintiffs

DECLARATION

I, Ralph B. Jordan, declare:

1. I am the attorney for the Plaintiffs Janice Traeger and Philip Traeger. (“Plaintiffs”) herein.

2. This declaration is made in support of Plaintiffs’ Application to Continue Mandatory Scheduling Conference.

3. This action was filed on October 19, 2011.

4. The First Amended Complaint was filed on October 25, 2011.

5. The United States Attorney, Civil Process Clerk, located in Sacramento, California, was served on behalf of defendant United States Postal Service (“USPS”) by first-class mail, certified, return receipt requested on November 28, 2011. The return receipt card was signed on December 1, 2011.

6. USPS has 60 days from the date of service, or until January 30, 2012 to answer or otherwise respond.

7. Service on defendant Phillips West Coast Properties LLC was attempted on the agent for service of process listed on the California Secretary of State’s website. Service was not made, as the agent for process was not located at this location and no additional information on the agent for service of process was provided.

8. According to the California Secretary of State’s website, Defendant Phillips principal executive offices are located in Scottsdale, Arizona. Papers for service have been sent to a process server in Arizona for service on Phillips.

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9. Accordingly, the time for defendants to appear and respond has not expired, despite reasonable efforts to locate and serve the defendants. By April 17, 2012, the new date requested for Mandatory Scheduling Conference, all defendants should have appeared in the action and be prepared for the conference.

Dated: January 20, 2012

/s/ Ralph B. Jordan
Ralph B. Jordan

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**ORDER TO CONTINUE MANDATORY SCHEDULING CONFERENCE AND
ORDER THEREON**

Good cause appearing therefor,

The Mandatory Scheduling Conference scheduled for January 26, 2012 be continued
to April 17, 2012 at 9:30 a.m. in Courtroom 9 before U.S. Magistrate Judge Dennis L.
Beck.

IT IS SO ORDERED.

Dated: January 23, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE