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** J & J Sports Productions, Inc. 7 8 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 9 SACRAMENTO DIVISION 10 J & J SPORTS PRODUCTIONS, INC., **CASE NO. 2:10-cv-01071-WBS-KJM** 11 Plaintiff, 12 PLAINTIFF'S EX PARTE 13 VS. APPLICATION FOR AN ORDER VACATING THE INITIAL 14 VICTORIA ELIZABETH JUAREZ, et al. SCHEDULING CONFERENCE; AND **ORDER** 15 Defendant. 16 17 TO THE HONORABLE WILLIAM B. SHUBB, THE DEFENDANT, AND HER 18 ATTORNEYS OF RECORD: 19 Plaintiff J & J Sports Productions, Inc. hereby applies ex parte for an order vacating the Initial 20 Scheduling Conference in this action, presently set for Monday, November 1, 2010 at 2:00 p.m. This 21 request will be, and is, necessitated by the fact that defendant Victoria Elizabeth Juarez, individually and 22 d/b/a Victoria's Mexican Food is in default and Plaintiff's Application for Default Judgment will soon be filed with this Honorable Court. 23 As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive 24 pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant 25 concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the 26 case itself or the preparation of a Scheduling Conference Statement. 27 28

1	WHEREFORE, Plaintiff respectfully requests that this Honorable Court vacate the Initial
2	Scheduling Conference presently scheduled for Monday, November 1, 2010 at 2:00 p.m. in order that
3	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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7	Respectfully submitted,
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	Dated: October 18, 2010 /s/ Thomas P. Riley
11	LAW OFFICES OF THOMAS P. RILEY, P.C. By: Thomas P. Riley
12	Attorneys for Plaintiff
13	J & J Sports Productions, Inc.
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16	<u>ORDER</u>
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18	It is hereby ordered that the Initial Scheduling Conference in civil action number 2:10-cv-01071-
19	WBS-KJM styled J & J Sports Productions, Inc. v. Victoria Elizabeth Juarez, et al., is hereby continued
20	to March 7, 2011, at 2:00 p.m. Counsel shall inform the Clerk of the court if this matter is resolved
21	before that date.
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23	IT IS SO ORDERED:
24	Dated: October 18, 2010
25	millian & shitten
26	WILLIAM B. SHUBB
27	UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE (SERVICE BY MAIL) I declare that: I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business. On October 18, 2010, I served: PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE INITIAL SCHEDULING CONFERENCE; AND ORDER (Proposed) On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage

prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Victoria Elizabeth Juarez (Defendant)

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1770 West Longview Avenue Stockton, CA 95207 I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct, and that this declaration was executed on October 18, 2010, at South Pasadena, California. Dated: October 18, 2010 /s/ Maria Baird **MARIA BAIRD**

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