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9 **Attorneys for Plaintiffs**
10 **J & J Sports Productions, Inc.**

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

14 **J & J SPORTS PRODUCTIONS, INC.,**

15 **Plaintiff,**

16 **vs.**

17 **VICTORIA ELIZABETH JUAREZ, et al.**

18 **Defendant.**

19 **CASE NO. 2:10-cv-01071-WBS-KJM**

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

25 **TO THE HONORABLE WILLIAM B. SHUBB, THE DEFENDANT, AND HER**
26 **ATTORNEYS OF RECORD:**

27 Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Initial
28 Scheduling Conference in this action, presently set for Monday, November 1, 2010 at 2:00 p.m. This
request will be, and is, necessitated by the fact that defendant Victoria Elizabeth Juarez, individually and
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.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive
pleading from the defendant. 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 Scheduling Conference Statement.

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15 **PROOF OF SERVICE (SERVICE BY MAIL)**

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17 I declare that:

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19 I am employed in the County of Los Angeles, California. I am over the age of eighteen years
20 and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena,
21 California. I am readily familiar with this law firm's practice for collection and processing of
22 correspondence/documents for mail in the ordinary course of business.

23
24 On October 18, 2010, I served:

25 **PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER VACATING THE
26 INITIAL SCHEDULING CONFERENCE; AND ORDER (Proposed)**

27 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage
28 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