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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 **SACRAMENTO DIVISION**

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

15 **Plaintiff,**

16 **v.**

17 **DAVID MICHAEL DAY, et al.**

18 **Defendant.**

19 **CASE NO. 2:10-cv-03023-LKK-GGH**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **CONTINUING SCHEDULING**
23 **CONFERENCE; AND ORDER**

24 **TO THE HONORABLE LAWRENCE K. KARLTON, THE DEFENDANT AND HIS**
25 **ATTORNEY/S OF RECORD:**

26 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order continuing the Initial
27 Scheduling Conference presently set for Monday, January 24, 2011 at 3:30 PM. As set forth below
28 Plaintiff respectfully requests that the Court continue the Initial Scheduling Conference 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 David Michael Day, individually
and d/b/a Nick's Nightclub a/k/a Off Limits. As a result, Plaintiff's counsel has not conferred with
the defendant concerning the claims, discovery, settlement, or any of the other pertinent issues
involving the case itself or the preparation of a Joint Status Report.


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1 **ORDER**

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3 It is hereby ordered that the Scheduling Conference in civil action number 2:10-cv-03023-LKK-
4 GGH styled *J & J Sports Productions, Inc. v. , et al.*, is hereby continued from Monday, January 24,
5 2011 at 3:30 PM, to March 28, 2011 at 1:30 p.m. The parties are reminded of their obligation to file
6 status reports fourteen (14) days prior to the status conference.

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8 **IT IS SO ORDERED:**

9 Dated: January 10, 2011

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13 LAWRENCE K. KARLTON
14 SENIOR JUDGE
15 UNITED STATES DISTRICT COURT

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

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28 I declare that:

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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 January 10, 2011, I served:

PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER CONTINUING 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:

David Michael Day (Defendant)
1414 Park Avenue, Suite 100
Chico, CA 95928

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 January 10, 2011, at South Pasadena, California.

Dated: January 10, 2011

/s/ Maria Baird
MARIA BAIRD