

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

No. 2:11-cv-00653 JAM KJN

v.

DULCE TORRES, INDIVIDUALLY  
and d/b/a PRIME TIME BAR AND  
GRILL A/K/A EL MALECON BAR &  
GRILL,

Defendant.

ORDER

Presently before the court is plaintiff's unopposed application for default judgment (Dkt. No. 8), which is set for a hearing before the undersigned on September 22, 2011.<sup>1</sup> On September 20, 2011, plaintiff filed an amended notice regarding the hearing date, which re-notices the hearing on plaintiff's motion for default judgment for October 20, 2011 (Dkt. No. 10). Plaintiff served defendant with the new notice.

Plaintiff's amended notice is disregarded, and the hearing on plaintiff's application for default judgment shall remain on the undersigned's September 22, 2011 calendar.

To the extent that plaintiff's counsel cannot attend the hearing in person or by telephone, his

<sup>1</sup> This action proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

1 attendance is excused. The only reason that the undersigned intends to conduct the hearing on  
2 September 22, 2011, is to ascertain whether defendant has any desire to defend herself in this  
3 action. If defendant does not appear at the September 22, 2011 hearing, the undersigned will  
4 resolve plaintiff's motion on the basis of plaintiff's brief and the record. If defendant appears at  
5 the September 22, 2011 hearing, then the undersigned will continue the hearing until October 20,  
6 2011.

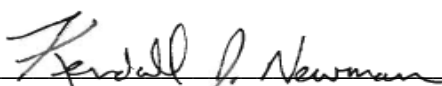
7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's amended hearing notice (Dkt. No. 10) is disregarded.
- 9 2. The hearing on plaintiff's application for default judgment shall remain on  
10 the undersigned's September 22, 2011 calendar.
- 11 3. Plaintiff's appearance at the September 22, 2011 hearing is excused.
- 12 4. If defendant does not appear at the September 22, 2011 hearing, plaintiff's  
13 application will be decided on the basis of plaintiff's brief and the record. If defendant appears  
14 at the September 22, 2011 hearing and expresses an intention to defend herself in this action, the  
15 undersigned shall conduct a second hearing on October 20, 2011.
- 16 5. The Office of the Clerk is directed to serve a copy of this order on  
17 defendant at the following address:

18 Dulce Torres  
19 2518 East Fremont Street  
20 Stockton, CA 95205

21 IT IS SO ORDERED.

22 DATED: September 20, 2011

23  
24   
25 KENDALL J. NEWMAN  
26 UNITED STATES MAGISTRATE JUDGE