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

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

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

CASE NO. 4:10-cv-05121-RS

15 **Plaintiff,**

PLAINTIFF'S RENEWED *EX PARTE*
APPLICATION FOR AN ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE AND EXTENDING
TIME TO COMPLETE SERVICE; AND
ORDER (~~Proposed~~) AS MODIFIED BY THE
COURT

16 **v.**

17 **ROSAURO R. SOLIONGCO, et al.**

18 **Defendants.**

19 **TO THE HONORABLE RICHARD SEEBORG, THE DEFENDANT/S AND HIS**
20 **ATTORNEY/S OF RECORD:**

21 As of this date, Plaintiff has been unable to successfully serve its initiating suit papers upon
22 defendant Rosauro R. Soliongeo individually and d/b/a Tipanan.

23 **WHEREFORE**, Plaintiff makes the following representations and recommendations:

- 24 1. On November 12, 2010, Plaintiff's Complaint was filed against Defendants Rosauro R.
25 Soliongeo individually and d/b/a Tipanan.
- 26 2. Plaintiff has still not perfected service of the initiating suit papers upon the Defendant,
27 Rosauro R. Soliongeo, despite diligent efforts to do so (Please see Affidavit of Diligence as
28 Plaintiff's Exhibit 1).
3. Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order further
continuing the Case Management Conference presently set for August 25, 2011 at 10:00 AM. As set

1 forth below Plaintiff respectfully requests that the Court continue the Case Management Conference
2 and extend the time to complete service to a new date approximately Thirty (30) to Forty-Five (45) days
3 forward.

4 4. Plaintiff recently identified an alternative address (10718 Nathanson Ave., Cupertino,
5 CA 95014) that it believes *will* be successful to serve its initiating suit papers, upon the Defendant
6 and has directed its process servers to rush serve the initiating suit papers upon Defendant at this
7 address.

8 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court continue the Case
9 Management Conference, presently scheduled for August 25, 2011 at 10:00 AM and permit an
10 additional Thirty (30) to Forty-Five (45) days from today's date to effectuate service of the Summons
11 and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative,
12 a Notice of Voluntary Dismissal as to Defendant.

13
14 Respectfully submitted,

15
16 Dated: August 18, 2011

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc.

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ORDER (Proposed)

It is hereby ordered that the Case Management Conference in civil action number 4:10-cv-05121-RS styled *J & J Sports Productions, Inc. v. Rosauero R. Soliongco, et al.*, is hereby continued from 10:00 AM, August 25, 2011 to 10/27/11 AT 10:00 A.M.

Plaintiff is granted an additional Thirty (30) to Forty-Five (45) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to defendants Rosauero R. Soliongco individually and d/b/a Tipanan, where service has not been made or service by publication requested.

Plaintiff shall serve a copy of this Order on the Defendant and thereafter file a Certification of Service of this Order with the Clerk of the Court. No further extension of time shall be granted and failure to effect service within 45 days of the date of this order will result in dismissal of the complaint.

IT IS SO ORDERED:



Dated: 8/19/11

THE HONORABLE RICHARD SEEBORG
United States District Court
Northern District of California

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Exhibit 1

THOMAS P. RILEY, ESQ., Bar No.: 194706
THOMAS P. RILEY, LAW OFFICES OF
1114 FREMONT AVENUE
SOUTH PASADENA, CA 91030

TELEPHONE NO
(626) 799-9797
Fax: (626) 799-9795
tprlaw@atttosh-11

Last day(s) to serve, if any:

ATTORNEY FOR (Name): **PLAINTIFF**

Ref. No. or File No.
TIPANAN 11-14-09

Insert name of court, judicial district or branch court, if any:
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
280 SOUTH FIRST STREET
SAN JOSE, CA 95113**

PLAINTIFF/PETITIONER:

J & J SPORTS PRODUCTIONS, INC

DEFENDANT/RESPONDENT:

SOLIONGCO

*** **STATUS REPORT** ***

HEARING DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

Attn:

C10-05121 DMR

We received the within process in our Process Department on January 11, 2011. We have attempted to effect service on the following party at the address(es) indicated below.

Servee: **ROSAURO R. SOLIONGCO, INDIVIDUALLY AND DBA TIPANAN**

Residence: **306 HACKAMORE LANE, FREMONT, CA 94539**

Business: **6275 JARVIS AVENUE, #N, NEWARK, CA 94560**

Our attempts at service include, but are not limited to, the following dates, times and status detail:

February 1, 2011	04:30 pm	NEW ADDRESS PER STEFANIE: 6275 JARVIS AVENUE, #N, NEWARK, CA 94560.
February 4, 2011	02:56 pm	BUSINESS/OFFICE LOCKED.
February 8, 2011	05:39 pm	BUSINESS/OFFICE LOCKED.
February 12, 2011	11:07 am	BAD ADDRESS (BUSINESS): 6275 JARVIS AVENUE, #N, NEWARK, CA 94560. SUBJECT SOLD THE BUSINESS 1 YEAR OLD, PER CURRENT OWNER.
February 28, 2011	12:40 pm	LEASING OFFICE LOCKED. (HACKAMORE).
March 2, 2011	04:08 pm	BAD ADDRESS (RESIDENCE): 306 HACKAMORE LANE, FREMONT, CA 94539. THE GIVEN ADDRESS APPEARS TO BE VACANT, NO FURNITURE INSIDE. VERIFIED WITH MAINTENANCE MAN OF THE PROPERTIES.

Date: **March 3, 2011**

If you have any additional information that would help us facilitate this service, please write it on a copy of this report and return it to us on route or fax it to: (213) 481-7343. Thank you.

Absolute Service of Los Angeles

1301 West Second Street, Suite 208, Los Angeles, CA 90026 (213) 481-7334

*** **SERVICE OF PROCESS STATUS REPORT** ***

1 **PROOF OF SERVICE (SERVICE BY MAIL)**
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3 I declare that:
4

5 I am employed in the County of Los Angeles, California. I am over the age of eighteen years
6 and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena,
7 California. I am readily familiar with this law firm's practice for collection and processing of
8 correspondence/documents for mail in the ordinary course of business.
9

10 On August 18, 2011, I served:
11

12 **PLAINTIFF'S RENEWED *EX PARTE* APPLICATION FOR AN ORDER**
13 **CONTINUING CASE MANAGEMENT CONFERENCE AND EXTENDING TIME**
14 **TO COMPLETE SERVICE; AND ORDER (Proposed)**

15 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage
16 prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

17 Rosauro R. Soliongco (Defendant)
18 6275 Jarvis Avenue # N
19 Newark, CA 94560
20

21 I declare under the penalty of perjury pursuant to the laws of the United States that the
22 foregoing is true and correct, and that this declaration was executed on August 18, 2011, at South
23 Pasadena, California.

24 Dated: August 18, 2011

/s/ Maria Baird

MARIA BAIRD
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