

1 LEXINGTON LAW GROUP
 Mark N. Todzo (State Bar No. 168389)
 2 Howard Hirsch (State Bar No. 213209)
 3 503 Divisadero Street
 San Francisco, CA 94117
 4 Telephone: (415) 913-7800
 Facsimile: (415) 759-4112
 5 mtodzo@lexlawgroup.com

6 Christopher M. Burke (State Bar No. 214799)
 SCOTT + SCOTT LLP
 7 600 B Street, Suite 1500
 8 San Diego, CA 92101
 Telephone: (619) 233-4565
 9 Facsimile: (619) 233-0508
 cburke@scott-scott.com

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 11 Attorneys for Plaintiff
 C.F.C., a minor, by and through
 12 Christine F., his parent and guardian

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 14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

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 18 C.F.C., minor, by and through CHRISTINE
 F., his parent and guardian, on behalf of
 19 himself and all others similarly situated,

20 Plaintiff,

21 v.

22 POWER BALANCE LLC; a Delaware
 Limited Liability Company.

23 Defendants.
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CASE NO. 3:11-CV-00487-EMC

Hon. Edward M. Chen

**REQUEST TO VACATE UPCOMING
 CASE MANAGEMENT CONFERENCE IN
 LIGHT OF ONGOING AUTOMATIC
 STAY UNDER 11 U.S.C. SECTION 362**

**Complaint filed: February 1, 2011
 Trial Date: None Set**

1 Plaintiff C.F.C., minor, by and through Christine F., his parent and guardian (“Plaintiff”)
2 requests as follows:

3 WHEREAS, on November 18, 2011, Defendant Power Balance, LLC filed a voluntary
4 Chapter 11 petition for relief in the United States Bankruptcy Court for the Central District of
5 California.

6 WHEREAS, on November 22, 2011, Power Balance filed a Notice of Pending Chapter
7 11 Bankruptcy and Notice of Automatic Stay in this court (Dkt. No. 29).

8 WHEREAS, the Chapter 11 bankruptcy is currently proceeding as Case No. 8:11-25982
9 and pending before the Honorable Theodore Albert, United States Bankruptcy Judge (the
10 “Bankruptcy Action”).

11 WHEREAS, pursuant to Section 362(a) of the Bankruptcy Code, there is currently an
12 ongoing automatic stay over the instant action.

13 WHEREAS Dorsey & Whitney, LLP (counsel for the former Defendant Power Balance,
14 LLC) is not counsel to the Debtor and therefore cannot currently appear in this action on the
15 Debtor’s behalf. In addition, Dorsey & Whitney, LLP does not have authority to take any
16 position with respect to the Debtor and therefore cannot stipulate to Plaintiff’s instant request.

17 WHEREAS Plaintiff is informed by Garrick Hollander of the law firm Winthrop
18 Couchot, counsel for Power Balance as Debtor in the Bankruptcy Action, that: (1) Power
19 Balance is currently preparing the Debtor’s Disclosure Statement; (2) a hearing regarding the
20 Disclosure Statement is set for March 2013; and (3) a hearing regarding confirmation of the
21 Debtor’s Chapter 11 Plan of Reorganization is expected to take place in May or June 2013.

22 WHEREAS, the parties will provide this Court with an additional update on any changes
23 to the status of the Bankruptcy Action if and when they occur.

24 WHEREAS, on June 20, 2012, the Court previously granted Plaintiff’s stipulated request
25 to vacate the prior Case Management Conference due to the ongoing automatic stay.

26 Accordingly, in light of the ongoing automatic stay under Bankruptcy Code § 362(a),
27 Plaintiff requests that this Court vacate the upcoming Case Management Conference currently
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1 scheduled for Thursday, February 14, 2013, and reset it to a date after June 2013, which is the
2 expected date for the hearing regarding Power Balance's Chapter 11 Plan of Reorganization.

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Dated: February 5, 2013

LEXINGTON LAW GROUP

/s/ Mark Todzo
Mark Todzo
Attorneys for Plaintiff

PURSUANT TO THE REQUEST, IT IS SO ORDERED. The CMC is reset to 6/27/13
at 9:00 a.m. A joint CMC
Statement shall be filed by
6/20/13.

Dated: February 5, 2013

