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

13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**  
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17  
 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.  
 24  
 25  
 26

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**

ORDER RESETTING CMC

**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, Case No. 8:11-25982, is pending before the  
9 Honorable Theodore Albert, United States Bankruptcy Judge (the “Bankruptcy Action”).

10 WHEREAS, the court in the Bankruptcy Action has confirmed Power Balance’s Third  
11 Amended Chapter 11 Liquidating Plan.

12 WHEREAS, Plaintiff’s claims will be resolved by the Third Amended Chapter 11  
13 Liquidating Plan, thus Plaintiff intends to dismiss this case.

14 WHEREAS, Plaintiff has contacted Power Balance’s bankruptcy attorneys and requested  
15 that they sign a Stipulation for Voluntary Dismissal pursuant to F.R.C.P. 41(a)(1)(A)(ii).  
16 Plaintiff has not yet heard back from Power Balance’s attorneys on this matter. If Power  
17 Balance’s bankruptcy attorneys cannot sign the Stipulation for Voluntary Dismissal, Plaintiff  
18 intends to file a request for a Court Order dismissing this case.

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

21 WHEREAS, on February 7, 2014, the Court previously granted Plaintiff’s request to  
22 vacate the prior Case Management Conference due to the ongoing automatic stay.

23 Accordingly, in light of the ongoing automatic stay under Bankruptcy Code § 362(a) and  
24 Plaintiff’s intent to dismiss the case, Plaintiff requests that this Court vacate the upcoming Case  
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1 Management Conference currently scheduled for April 24, 2014, and reset it to a date in June  
2 2014.

3  
4 Dated: April 16, 2014

LEXINGTON LAW GROUP

5 /s/ Mark Todzo

6 Mark Todzo

Attorneys for Plaintiff

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9 **PURSUANT TO THE REQUEST, IT IS SO ORDERED.** The 4/24/14 CMC is reset for  
10 7/10/14 at 9:30 a.m. An updated  
11 joint CMC statement shall be  
12 filed by 7/3/14.

13 Dated: April <sup>21</sup>\_\_\_\_\_, 2014

14 \_\_\_\_\_  
HON. EDWARD M. CHEN

