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9 **Attorneys for Plaintiff**
10 **Joe Hand Promotions, Inc.**

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

14 **JOE HAND PROMOTIONS, INC.,**

15 **Plaintiff,**

16 **vs.**

17 **VIDURA TALAYARATHE, et al.**

18 **Defendants.**

19 **CASE NO. 11-cv-02554-SC**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **CONTINUING CASE MANAGEMENT**
23 **CONFERENCE; AND ORDER**
24 **(Proposed)**

25 **TO THE HONORABLE SAMUEL CONTI, THE PARTIES AND THEIR**
26 **ATTORNEY/S OF RECORD:**

27 Plaintiff Joe Hand Promotions, Inc., hereby applies *ex parte* for an order continuing the Case
28 Management Conference in this action, presently set for Friday, March 16, 2012 at 10:00 a.m. to a new
date approximately thirty (30) to forty-five (45) days forward. This request is necessitated by the fact
that the Defendants Vidura Talayarathe and Italiano Restaurant, Inc. have not yet answered Plaintiff's
Complaint (despite service of suit papers¹).

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive
pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant

¹ Please see ECF #15 and 16.

1 concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the
2 case itself or the preparation of a Joint Case Management Conference Statement.

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4 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court continue the Case
5 Management Conference presently scheduled for Friday, March 16, 2012 to a new date approximately
6 thirty (30) to forty-five (45) days forward.

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8 Respectfully submitted,

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11 Dated: March 8, 2012

/s/ Thomas P. Riley
LAW OFFICES OF THOMAS P. RILEY, P.C.
By: Thomas P. Riley
Attorneys for Plaintiff
Joe Hand Promotions, Inc.

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ORDER (Proposed)

It is hereby ordered that the Case Management Conference in civil action number 3:11-cv-02554-SC styled *Joe Hand Promotions, Inc. v. Vidura Talayarathe, et al.*, is continued to April 20, 2012 at 10:00 a.m.

Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED:

THE HONORABLE
United States District Court
Northern District of California
IT IS SO ORDERED
Samuel Conti
Judge Samuel Conti

Dated: 3/13/12

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PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

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 91030. 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 March 8, 2012, I served:

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

Vidura Talayarathe (Defendant)
3800 Klose Way, Suite H
Richmond, CA 94806

Italiano Restaurants, Inc. (Defendant)
3800 Klose Way, Suite H
Richmond, CA 94806

1 I declare under the penalty of perjury pursuant to the laws of the United States that the
2 foregoing is true and correct, and that this declaration was executed on March 8, 2012, at South
3 Pasadena, California.

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Dated: March 8, 2012

/s/ Maria Baird
MARIA BAIRD