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 8 **Attorneys for Plaintiff**
 9 **J & J SPORTS PRODUCTIONS, INC.**

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

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

Case No. 3:11-CV-03722-EMC

14 **Plaintiff,**

**PLAINTIFF'S CASE MANAGEMENT
 CONFERENCE STATEMENT
 ORDER RESETTING CMC**

15 **vs.**

FOR: Honorable Edward M. Chen

16 **HILARIO CHICO CHICO, et al.**

DATE: Friday, December 2, 2011

17 **Defendant.**

TIME: 9:00 A.M.

18 Pursuant to this Court's Civil Local Rule, the Plaintiff submits this Case Management
 19 Conference Statement for the consideration of this Honorable Court. This Statement is "unilateral" in
 20 nature because defendants have failed and refused to answer Plaintiff's duly served complaint.

21 **WHEREFORE**, the Plaintiff makes the following representations and recommendations to
 22 this Honorable Court:

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1. Statement of Facts and Events Underlying This Action.

Plaintiff, J & J Sports Productions, Inc., claims that the Defendant Hilario Chico Chico, individually and d/b/a Olivia's Brunch Restaurant misappropriated a televised professional boxing *Program* to which the Plaintiff owned the exclusive commercial exhibition rights and thereafter exhibited the *Program* at the commercial establishment (Olivia's Brunch Restaurant) in San Francisco, California, which they operate. The subject *Program*, broadcast on Saturday, July 31, 2010, was the "*Fight of the Year: The Rematch!*": *Juan Manuel Marquez v. Juan Diaz* (hereinafter "*Program* ").

2. The Principal Factual Issues to Which the Parties Dispute.

Plaintiff is unaware at this time of which principal factual issues remain unresolved.

3. The Principal Legal Issues to Which the Parties Dispute.

Plaintiff is unaware at this time of which principal factual issues remain unresolved.

4. Other Factual Issues Which Remain Unresolved.

Plaintiff is unaware at this time of which principal factual issues remain unresolved.

5. The Following Defendant Has Not Been Served.

The defendant has been duly served.

6. Consent to Jurisdiction By a Magistrate Judge

The Plaintiff does not consent to a jurisdiction of this action by a Magistrate Judge.

7. Disclosures

If necessary, the Plaintiff will serve the defendants with its Initial Disclosures on/or December 2, 2011.

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8. Discovery

Plaintiff respectfully requests that the discovery in this action not be limited nor conducted in phases. The Plaintiff proposes a discovery cutoff date of October 1, 2012.

9. Proposed Pre-trial and Trial Schedule

Plaintiff believes any trial in this action could be conducted in two (2) to three (3) days. If necessary the Plaintiff requests a bench trial to commence in February 2013.

10. Proposed Dates:

- a. Last Day to Amend Pleadings: May 31, 2012
- b. Last Day for Non-Expert Discovery: October 1, 2012
- c. Last Day to Disclose Experts: November 1, 2012
- d. Expert Discovery Cut-off: November 15, 2012
- e. Last Day to File Motion for Summary Judgment: December 1, 2012

11. Damages and Other Relief

Plaintiff seeks statutory damages, actual damages, attorneys' fees and costs against each of the named Defendant. The computations of Plaintiff's damages prayed for in the complaint filed in this action are, as follows:

- a. 47 U.S.C. 605 (e)(3)(B)(iii) and (c)(ii): \$ 110,000.00
- b. 47 U.S.C. 553 (b)(2) and (c)(2)(c): \$ 60,000.00
- c. Conversion: TO BE DETERMINED
- d. Violation of Cal. B&P §17200 TO BE DETERMINED
- e. Attorneys' fees: TO BE DETERMINED
- f. Costs: TO BE DETERMINED.

Total: \$ 170,000.00 est.

12. Alternative Dispute Resolution

If necessary, Plaintiff proposes a settlement conference before a U.S. District Court Magistrate Judge as the ADR process in this action.

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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 First Library Square 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 November 22, 2011 I served:

PLAINTIFF'S CASE MANAGEMENT CONFERENCE STATEMENT

On all parties referenced 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:

Hilario Chico Chico (Defendant)
3771 Mission Street
San Francisco, CA 94110

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

Dated: November 22, 2011

/s/ Maria Baird
MARIA BAIRD

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