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Attorneys for Plaintiff, individually, and on behalf of others similarly situated

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 MICHAEL RIGHETTI, on behalf of
 13 herself and all similarly situated persons,
 14
 15 Plaintiff,
 16 vs.
 17 TeleQuery.Net, Inc. and Jerome Gilels
 18
 19 Defendants

Case No.: 3:15-cv-02243-CRB
 Dept. No. 6

**PLAINTIFF'S CASE
 MANAGEMENT CONFERENCE
 STATEMENT AND REQUEST FOR
 A CONTINUANCE OF CURRENT
 CASE MANAGEMENT
 CONFERENCE and ORDER**

Date: August 21, 2015
 Time: 8:30 a.m.

21
 22 Plaintiff, MICHAEL RIGHETTI, by and through his counsel of record, hereby
 23 submits the following Case Management Conference Statement and request for a
 24 Continuance of the Case Management Conference currently set for August 21, 2015.

25 **I. FACTS AND PROCEDURAL HISTORY**

26 1. On May 19, 2015, Plaintiff filed his initial Complaint in this action
 27 alleging violations of the Telephone Consumer Protection Act ("TCPA") 47 U.S.C.
 28

1 §227. See, Docket Number (“DN”) 1. Plaintiff alleges that Defendant violated the
2 TCPA by sending him a text message to his cellular phone without his express consent
3 to do so. The making of such spam text messages to cellular telephones without the
4 recipients’ consent violates 47 U.S.C. § 227(b)(1)(A)(iii). This case is filed as a class
5 action on behalf of the following proposed class:

6 All persons in the United States or its territories who, within the last four
7 years, received a text message on their cellular phone, which was made by or
8 caused to be made by Defendants, using an automatic telephone dialing
9 system.

10 Pursuant to 47 U.S.C. § 227(b)(3), Plaintiff seeks statutory damages on behalf of
11 himself and the proposed class in the amount of \$500 in statutory damages for each
12 violation of the TCPA. In addition, if the court finds that the Defendants willfully or
13 knowingly violated the TCPA, the Court may, in its discretion, increase the amount of the
14 award to an amount equal to not more than 3 times the amount available under 47 U.S.C.
15 § 227(b)(3)

16 Following the filing of the initial Complaint, Plaintiff attempted to serve the
17 summons and Complaint on the resident agent of Defendant on 11 separate occasions.
18 See, Exhibit 1. To date, Plaintiff has been unable to serve Defendant with the Complaint
19 and Summons.

20 After conducting additional research and investigation into the allegations raised in
21 the Complaint, on August 10, 2015, Plaintiff filed a First Amended Complaint adding and
22 additional Defendant, Jerome Giles. Through additional investigation, Plaintiff was able
23 to determine that the Defendant, TeleQuery.Net, Inc., is a Delaware Corporation. As a
24 result, Plaintiff is in the process of serving a copy of the Amended Complaint and
25 Summons on Defendant’s resident agent on file with the Delaware Secretary of State.

26 **2. REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**
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1 Due to the fact that a First Amended Complaint was recently filed in this action,
2 Plaintiff has been unable to serve either of the Defendants as of this date, and no
3 Defendant has made an appearance in this action, Plaintiff respectfully requests that the
4 Case Management Conference currently set for August 21, 2015, be continued until
5 October ²³~~16~~, 2015. This will allow Plaintiff sufficient time to effectuate service of the
6 First Amended Complaint and also allow the Defendants time to enter an appearance in
7 this action. A Continuance is also requested in order to allow the parties sufficient time to
8 meaningfully meet and confer and prepare a joint Case Management Conference
9 Statement.

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11 **Dated: August 14, 2015**

Respectfully Submitted,
JONES LAW FIRM

s/ Charles A. Jones
Charles A. Jones, Esq.
Attorneys for Plaintiff

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18 Signed: 8/17/2015

