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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
 REQUEST FOR A CONTINUANCE
 OF CURRENT CASE
 MANAGEMENT CONFERENCE
 Date: December 18, 2015
 Time: 8:30 a.m.

22 Plaintiff, MICHAEL RIGHETTI, by and through his counsel of record, hereby
 23 submits his request for a Continuance of the Case Management Conference currently
 24 set for December 18, 2015.
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 26
 27
 28

1 **I. FACTS AND PROCEDURAL HISTORY**

2 1. On May 19, 2015, Plaintiff filed his initial Complaint in this action
3 alleging violations of the Telephone Consumer Protection Act (“TCPA”) 47 U.S.C.
4 §227. See, Docket Number (“DN”) 1. Plaintiff alleges that Defendant violated the
5 TCPA by sending him a text message to his cellular phone without his express consent
6 to do so. The making of such spam text messages to cellular telephones without the
7 recipients’ consent violates 47 U.S.C. § 227(b)(1)(A)(iii). This case is filed as a class
8 action on behalf of the following proposed class:
9
10

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

15 Pursuant to 47 U.S.C. § 227(b)(3), Plaintiff seeks statutory damages on behalf of
16 himself and the proposed class in the amount of \$500 in statutory damages for each
17 violation of the TCPA. In addition, if the court finds that the Defendants willfully or
18 knowingly violated the TCPA, the Court may, in its discretion, increase the amount of
19 the award to an amount equal to not more than 3 times the amount available under 47
20 U.S.C. § 227(b)(3)
21
22

23 On September 15, 2015, the Defendant was served with the foregoing First
24 Amended Complaint and Summons.
25

26 On December 9, 2015, Plaintiff filed Plaintiff’s Request To Enter Default
27 Against Defendant TeleQuery.Net, Inc. and Declaration of Charles A. Jones *ISO*
28

1 Plaintiff's Request To Enter Default Against Defendant TeleQuery.Net, Inc. See
2 Docket Numbers 25 and 25-1.

3 To date no appearance has been made in this action on behalf of the Defendant.
4

5 **II. REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**

6 Due to the fact that the Defendant has not appeared in this action nor answered
7 the First Amended Complaint and Plaintiff has filed a Request to Enter Default Against
8 Defendant TeleQuery.Net, Inc., Plaintiff respectfully requests that the Case
9 Management Conference currently set for December 18, 2015, be continued for
10 60(sixty) days. This will allow Plaintiff sufficient time to both obtain a default against
11 defendant and also move for the entry of a default judgment.
12
13
14

15 Dated: December 11, 2015

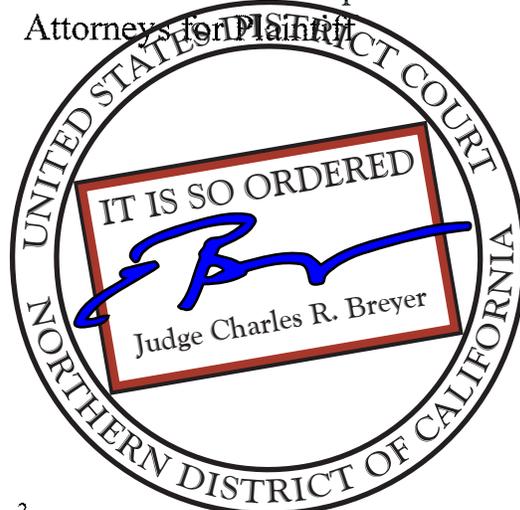
Respectfully Submitted,

17 **JONES LAW FIRM**

18
19 s/ Charles A. Jones

20 Charles A. Jones, Esq.

21 Attorneys for Plaintiff



1 CERTIFICATE OF SERVICE

2 I, the undersigned, declare as follows:

3 I am employed in the County of Washoe, State of Nevada.

4 I am over the age of eighteen (18) years and not a party to the within action; my business
5 address is 9585 Prototype Court, Suite B, Reno, Nevada, 89521.
6

7 On December 11, 2015, I served the foregoing documents describes as:

8 1. REQUEST FOR A CONTINUANCE OF CURRENT CASE MANAGEMENT
9 CONFERENCE.
10

11 on all interested parties in this action addressed to the addresses as follows:

12 Registered Agent for TeleQuery.Net, Inc.

13 Delaware Business Incorporations, Inc.

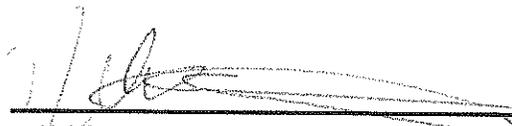
14 3422 Old Capitol TRL STE 700

15 Wilmington, DE 19808
16
17

18 (X) VIA FEDERAL EXPRESS-OVERNIGHT

19 I declare under penalty of perjury under the laws of the State of Nevada that the
20 above is true and correct.
21

22 Executed on December 11, 2015 at Reno, Nevada.

23
24 
25 _____
26 Nikki Coverston
27
28