

1 Alex Darcy, Esq. (CSBA# 189315)  
 2 Askounis & Darcy, PC  
 3 401 N. Michigan Avenue  
 4 Suite 550  
 5 Chicago, IL 60611  
 6 (312) 784-2400 (Telephone)  
 7 (312) 784-2410 (Facsimile)  
 8 adarcy@askounisdarcy.com

9 Attorney for Plaintiff  
 10 TMP DIRECTIONAL MARKETING, LLC

11 **IN THE UNITED STATES DISTRICT COURT**  
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13	TMP DIRECTIONAL MARKETING, LLC	)	Case No. 4:09-CV-1334-PJH
14		)	
15	Plaintiff,	)	<b>TMP'S CASE MANAGEMENT</b>
16		)	<b>STATEMENT AND ORDER</b>
17	v.	)	
18		)	Judge: Phyllis J. Hamilton
19	ALL MY SONS MOVING & STORAGE OF	)	Courtroom: 3
20	SACRAMENTO, INC. d/b/a AMS MOVING &	)	Date: April 7, 2011
21	STORAGE, INC., AMS MOVING &	)	Time: 2:00 p.m.
22	STORAGE, INC. and ALL MY SONS	)	
23	BUSINESS DEVELOPMENT CORPORATION,	)	
24		)	
25	Defendants.	)	

26 **TMP'S CASE MANAGEMENT STATEMENT**

27 Plaintiff TMP DIRECTIONAL MARKETING, LLC ("TMP") hereby submits the  
 28 following Case Management Statement.

1. **Jurisdiction and Service**: The Court has subject matter jurisdiction over TMP's claims pursuant to 28 U.S.C. §1332, as the parties are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. All

1 My Sons Moving & Storage of Sacramento, Inc. d/b/a AMS Moving & Storage, Inc.  
2 (“AMS Sacramento”) previously filed an answer, but is no longer represented by  
3 counsel. No issues exist with regard to the Court’s exercise of personal jurisdiction  
4 over AMS Sacramento or venue, and no parties remain to be served. On August 12,  
5 2009, the Court granted Defendant ALL MY SONS BUSINESS DEVELOPMENT  
6 CORPORATION’s (“BD Corp.”) Motion to Dismiss, finding that the Court did not  
7 have personal jurisdiction over BD Corp. BD Corp. was subsequently dismissed  
8 from the lawsuit on August 18, 2009.  
9

10 2. **Facts**

11 i. On October 13, 2009, default judgment was entered against Defendant AMS  
12 MOVING & STORAGE, INC. (“AMS”).

13 ii. AMS Sacramento is now in default by virtue of it no longer being represented by  
14 counsel.  
15

16 iii. On February 17, 2011, pursuant to Fed. R. Civ. P. 37(b)(2)(A), this Court entered  
17 a default against AMS Sacramento for its failure to obey the Court’s discovery order  
18 dated January 4, 2011.

19 iv. On February 22, 2011, notice of the Entry of Default and Order on Motion for  
20 Sanctions was e-mailed to AMS Sacramento. See Docket Nos. 85-87. **All**  
21 **defendants are now either dismissed, had judgment entered against them, or are**  
22 **in default.**  
23  
24

1 v. Simultaneous with the filing of this Case Management Statement, TMP intends to  
2 file a Motion for Entry of Default Judgment against AMS Sacramento pursuant to this  
3 Court's Order and the Notice of Entry.

4 3. **Legal Issues**: Whether AMS Sacramento should have a default judgment entered  
5 against it for \$193,485.45.

6 4. **Motions**: This Court entered a default against AMS Sacramento.

7 5. **Amendments of Pleadings**: None

8 6. **Evidence Preservation**: N/A

9 7. **Disclosures**: TMP has made its disclosures.

10 8. **Discovery**: No outstanding discovery.

11 i. **Proposed Discovery Plan**: N/A

12 9. **Relief**: TMP seeks damages in the amount of \$193,485.45 against AMS Sacramento.

13 10. **Settlement and ADR**: N/A

14 11. **Consent to Magistrate Judge for All Purposes**: TMP will not consent to the  
15 jurisdiction of a magistrate judge.

16 12. **Other References**: The case is not suitable for reference to binding arbitration, a  
17 special master or the Judicial Panel on Multidistrict Litigation.

18 13. **Narrowing of Issues**: N/A

19 14. **Expedited Schedule**: N/A

1 15. **Scheduling:** The Court should take the Case Management Conference off the  
2 calendar and set a deadline of April 7, 2011 for the filing of a Motion for Default  
3 Judgment.

4 16. **Other Matters:** None.

7 TMP DIRECTIONAL MARKETING, LLC,

8 Date: March 31, 2011

9 By: s/ Alex Darcy  
10 Alex Darcy, Esq. (CSBA# 189315)  
11 ASKOUNIS & DARCY, P.C.  
12 401 N. Michigan Ave., Suite 550  
13 Chicago, IL 60611  
14 (312) 784-2400 (Telephone)  
15 (312) 784-2410 (Facsimile)  
16 adarcy@askounisdarcy.com

17 THE APRIL 7, 2011 CASE MANAGEMENT CONFERENCE IS VACATED. PLAINTIFF  
18 SHALL FILE A MOTION FOR DEFAULT JUDGMENT BY APRIL 7, 2011.

19 5/4/11



25 CASE MANAGEMENT STATEMENT –  
26 4:09-CV-1334-PJH

27 - 4 -  
28