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10 **Attorney for Plaintiff, MARSHALL LOSKOT**

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

13 **MARSHALL LOSKOT,**

14 **Plaintiff,**

15 **v.**

16 **ABEL HERNANDEZ, aka ABEZ**
 17 **HERNANDEZ, and MARTHA E.**
 18 **HERNANDEZ, dba EL CHAPARRAL**
 19 **TAQUERIA, OLGA R. GAVIDIA and DOES**
 20 **ONE to FIFTY, inclusive,**

21 **Defendants.**

22 **Case No. 4:09-CV-03774-CW**

23 **PLAINTIFF'S STATUS REPORT AND**
 24 **REQUEST FOR CONTINUATION OF**
 25 **THE CASE SCHEDULE UNDER**
 26 **GENERAL ORDER 56**

27 Plaintiff served the Defendants, Abel Hernandez, Martha Hernandez, and Olga Gavidia
 28 (nka Olga Romo) with service of process by personal and substituted service. The returns of
 service have been filed with the Court (Documents 4, 5 and 6) and Defendants answers to the
 Complaint were due September 16, October 14 and October 13, respectively. No responsive
 pleading have been filed or received by Plaintiff.

Plaintiff's counsel was in the process of preparing Requests for Default when they
 received a facsimile letter on October 21 from Attorney Richard MacBride, a copy of which is
 attached hereto as Exhibit A.

Mr. MacBride stated in his letter that he had just been approached by Defendants for
 representation but he was leaving the country from October 27 through November 6, 2009,
 and requested an extension of time to respond on behalf of the Defendants.

1 Under the General Order 56 Case Schedule, the parties are required to conduct a joint
2 site inspection of the subject premises by November 25, 2009.

3 Plaintiff's counsel responded on October 21 to Mr. MacBride by facsimile with a letter
4 advising him of the joint inspection deadline, granted an extension to November 13, and
5 provided a possible site inspection date for consideration, a copy of which is attached hereto
6 as Exhibit B. Mr. MacBride was also faxed a stipulation for the extension. No response or
7 other communication has been received from Mr. MacBride.

8 Rather than waste the Court's time in requesting defaults and having them set aside,
9 Plaintiff requests the Court continue the Case Schedule for the required joint inspection for 45
10 days to January 11, 2010, to allow Mr. MacBride to return from his trip, meet with his clients,
11 and prepare a response to the Complaint. Plaintiff will serve this report and request and the
12 order thereon on Defendants and Mr. MacBride by Certified mail.

13 Respectfully Submitted,

14 **SINGLETON LAW GROUP**

15 Dated: October 29, 2009

16 /s/ Jason K. Singleton
17 Jason K. Singleton,
18 Richard E. Grabowski, Attorneys for
19 Plaintiff, **MARSHALL LOSKOT**

20 **ORDER**

21 The Case Schedule pursuant to General Order 56 shall be amended with the Last day
22 for joint inspection continued to January 11, 2010, and all other applicable dates calculated
23 from that date.

24 10/29/09

25 Dated: _____



26 _____
27 CLAUDIA WILKEN
28 UNITED STATES DISTRICT JUDGE