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5 Attorney for Central Garden & Pet Company

6 **UNITED STATES DISTRICT COURT**
 7 **NORTHERN DISTRICT OF CALIFORNIA**
 8

9 **CENTRAL GARDEN & PET**
 10 **COMPANY,**
 11 a Delaware Corporation
 Plaintiff,
 12 v.
 13 **CARLSON MORGAN, LLC,**
 14 a California Limited Liability Company,
 15 Defendant.
 16

Case No. 4:15-cv-00609-JSW

**MOTION FOR ADMINISTRATIVE RELIEF TO
 CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE AND RELATED
 DATES; DECLARATION OF PAUL W. REIDL IN
 SUPPORT THEREOF [Local Rules 6-3, 7-11]
 AND ORDER THEREON**

17 Pursuant to Local Rules 6-3 and 7-11, Plaintiff hereby moves the Court to continue the Case
 18 Management Conference and the scheduled dates indefinitely. The Clerk has entered a default against
 19 Defendant. Plaintiff anticipates filing a motion for default judgment within the next thirty (30 days).
 20 Since Defendant has not defended the case, a Case Management Plan and Conference is unnecessary.
 21 For these reasons and as set forth in the following Declaration, Plaintiff respectfully requests that the
 22 motion be granted and the deadlines be continued indefinitely.

23 MOTION TO CONTINUE THE
 24 INITIAL CASE MANAGEMENT
 CONFERENCE AND RELATED
 DATES

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Respectfully submitted,

LAW OFFICE OF PAUL W. REIDL

By: 

Dated: April 28, 2015

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DECLARATION OF PAUL W. REIDL

1. I am an attorney at law duly admitted to practice before this Court. I represent the Plaintiff, Central Garden & Pet Company in this action. I have personal knowledge of the matters testified to herein.

2. The Defendant is a sole proprietorship in Modesto, California. Service was delayed because he was never available at his business address. Shortly after Defendant was served, its principal called the undersigned and said that he would not be defending the case because he could not afford counsel. Subsequent e-mails and telephone calls to Defendant's principal have not been returned.

3. The reason for continuing the dates is that Defendant is in default and Plaintiff intends to file a motion for default judgment. Under these circumstances, there is no need to prepare and hold a hearing on a Case Management Plan.

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1 4. Defendant has defaulted and has not returned telephone calls or e-mails. Since no one
2 has appeared on Defendant's behalf, there is no counsel of record from whom Defendant can obtain
3 a stipulation to a continuance.

4 5. The substantial harm and prejudice to going through the Case Management process is
5 that it would be attorney and Court time spent engaging in a process that ultimately would be moot.
6 The time would be better spent preparing the default motion and related papers.

7 6. There have been no previous modifications to the schedule in the case.

8 7. Ultimately, the requested time modification will have no effect on the schedule for the
9 case because the case is likely to be decided on Plaintiff's motion for default judgment.

10 I declare under penalty of perjury under the laws of the state of California that the foregoing
11 is true and correct.

12 Executed this 28th day of April 2015 in Half Moon Bay, California.

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/s/ Paul W. Reidl

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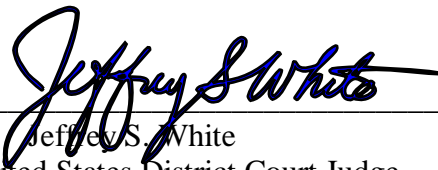
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1 **[PROPOSED] ORDER**

2 Based on the foregoing memorandum supporting declaration, and good cause being shown,
3 IT IS HEREBY ORDERED that the Initial Case Management Conference scheduled for 11:00 AM
4 on May 8, 2015 and the other deadlines set forth in the Court's February 10, 2015 Order Setting
5 Initial Case Management Conference and ADR Deadlines are continued ~~indefinitely~~. Plaintiff shall
6 file a motion for default judgment within thirty (30 days) of the date of this Order.

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8 Dated: May 1, 2015

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10 _____
11 Jeffrey S. White
12 United States District Court Judge