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\*\*E-Filed 6/28/2010\*\*

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6 **Attorneys for Plaintiffs**  
7 **J & J Sports Productions, Inc.**

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

10 **J & J SPORTS PRODUCTIONS, INC.,**

**CASE NO. 5:09-cv-05124-JF**

11 **Plaintiff,**

12 **vs.**

13 **SERGIO SANTANA GUZMAN, et al.**

14 **Defendants.**

15 **PLAINTIFF'S *EX PARTE***  
16 **APPLICATION FOR AN ORDER**  
17 **VACATING THE CASE**  
18 **MANAGEMENT CONFERENCE; AND**  
19 **ORDER (~~Proposed~~) AS MODIFIED**

17 **TO THE HONORABLE JEREMY FOGEL, THE DEFENDANTS, AND THEIR**  
18 **ATTORNEYS OF RECORD:**

19 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order vacating the Case  
20 Management Conference in this action, presently set for Friday, July 2, 2010 at 10:30 a.m. This request  
21 will be, and is, necessitated by the fact that defendants Sergio Santana Guzman, individually and d/b/a  
22 Tacos Santana; and Besag, Inc., an unknown business entity d/b/a Tacos Santana are in default and  
23 Plaintiff's Application for Default Judgment will soon be filed with this Honorable Court.

24 As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive  
25 pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendants  
26 concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the  
27 case itself or the preparation of a Case Management Conference Statement.

1           **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court vacate the Case  
2 Management Conference presently scheduled for Friday, July 2, 2010 at 10:30 a.m. in order that  
3 Plaintiff and its counsel may avoid necessary fees and costs in this matter presently pending final  
4 disposition by virtue of Plaintiff’s Application for Default Judgment by the Court.

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7   Respectfully submitted,

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10          Dated: June 25, 2010

/s/ Thomas P. Riley

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**LAW OFFICES OF THOMAS P. RILEY, P.C.**

By: Thomas P. Riley  
Attorneys for Plaintiff  
J & J Sports Productions, Inc.

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**PROOF OF SERVICE (SERVICE BY MAIL)**

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On June 25, 2010, I served:

**PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Sergio Santana Guzman (Defendant)  
330 Chukar Court  
Tracy, CA 95376

Besag, Inc. (Defendant)  
330 Chukar Court  
Tracy, CA 95376

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct, and that this declaration was executed on June 25, 2010, at South Pasadena, California.

Dated: June 25, 2010

/s/ Maria Baird  
**MARIA BAIRD**