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Attorneys for Plaintiffs J & J Sports Productions, Inc.

> UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

J & J SPORTS PRODUCTIONS, INC., CASE NO. 5:10-cv-02717-JF Plaintiff, ORDER GRANTING IN PART

PLAINTIFF'S EX PARTE VS. APPLICATION FOR AN ORDER VACATING THE CASE

SAMUEL CORTEZ CORTEZ, et al. MANAGEMENT CONFERENCE: -AND

ORDER (Proposed) -Defendants.

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

Plaintiff J & J Sports Productions, Inc. hereby applies ex parte for an order vacating the Case Management Conference in this action, presently set for Friday, December 3, 2010 at 10:30 a.m. This request will be, and is, necessitated by the fact that defendants Samuel Cortez Cortez and Alma Rosa Cortez, individually and d/b/a Metro Balderas; and SC Cortez, Inc., an unknown business entity d/b/a Metro Balderas are in default and Plaintiff's Application for Default Judgment will soon be filed with this Honorable Court.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendants concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the

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

CASE NO. 5:10-cv-02717-JF PAGE 1

case itself or the preparation of a Case Management Conference Statement. WHEREFORE, Plaintiff respectfully requests that this Honorable Court vacate the Case Management Conference presently scheduled for Friday, December 3, 2010 at 10:30 a.m. in order that Plaintiff and its counsel may avoid necessary fees and costs in this matter presently pending final disposition by virtue of Plaintiff's Application for Default Judgment by the Court. Respectfully submitted, Dated: November 24, 2010 /s/ Thomas P. Riley LAW OFFICES OF THOMAS P. RILEY, P.C. By: Thomas P. Riley Attorneys for Plaintiff J & J Sports Productions, Inc.

1	ORDER (Proposed)	
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3	It is hereby ordered that the Case Management Conference in civil action number 5:10-cv-02717-continued to 2/4/201	1.
4	JF styled J & J Sports Productions, Inc. v. Samuel Cortez Cortez, et al., is hereby vacated:	••
5	Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a	
6	Certification of Service of this Order with the Clerk of the Court.	
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9	WE IC CO OPPEDED	
10	IT IS SO ORDERED:	
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12	Datadi. 12/2/2010	
13	THE HONORA IL ET REM FOGEL	
14	United States District Court	
15	Northern District of California	
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1	PROOF OF SERVICE (SERVICE BY MAIL)
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3	I declare that:
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5	I am employed in the County of Los Angeles, California. I am over the age of eighteen years
6	and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena,
7	California. I am readily familiar with this law firm's practice for collection and processing of
8	correspondence/documents for mail in the ordinary course of business.
9	
10	On November 24, 2010, I served:
11	PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)
12	
13	On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage
14	prepaid and following ordinary business practices, said envelope was duly mailed and addressed t
15	Samuel Cortez (Defendant)
16	799 South 1st Street San Jose, CA 95113
17	San Jose, CA 75115
18	Alma Rosa Cortez (Defendant) 799 South 1st Street
19	San Jose, CA 95113
20	SC Cortez, Inc. (Defendant)
21	799 South 1st Street
22	San Jose, CA 95113
23	I declare under the penalty of perjury pursuant to the laws of the United States that the
24	foregoing is true and correct, and that this declaration was executed on November 24, 2010, at South
25	Pasadena, California.
26	
27	Dated: November 24, 2010 /s/ Maria Baird MARIA BAIRD

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