

****E-Filed 1/31/2011****

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9 **Attorneys for Plaintiffs**
10 **J & J Sports Productions, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

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

15 **Plaintiff,**

16 **vs.**

17 **ANGEL PANIAGUA FRAIDE, et al.**

18 **Defendant.**

19 **CASE NO. 5:10-cv-04180-JF**

20 **PLAINTIFF'S *EX PARTE***
21 **APPLICATION FOR AN ORDER**
22 **VACATING THE CASE**
23 **MANAGEMENT CONFERENCE; AND**
24 **ORDER (Proposed)-**

25 **TO THE HONORABLE JEREMY FOGEL, THE DEFENDANT, AND HER**
26 **ATTORNEYS OF RECORD:**

27 Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Case
28 Management Conference in this action, presently set for Friday, February 4, 2011 at 10:30 a.m. This
request will be, and is, necessitated by the fact that defendant Angel Paniagua Fraide, individually and
d/b/a El Pollo Dorado is in default and Plaintiff's Application for Default Judgment is currently
pending before this Honorable Court.

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

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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 January 26, 2011, 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:

Angel Paniagua Fraide (Defendant)
701 East Alisal Street
Salinas, CA 93905

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 January 26, 2011, at South Pasadena, California.

Dated: January 26, 2011

/s/ Maria Baird
MARIA BAIRD