

E-Filed 12/2/2010

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

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

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

CASE NO. 5:10-cv-04213-JF

12 **Plaintiff,**

ORDER GRANTING IN PART

13 **vs.**

PLAINTIFF'S *EX PARTE*

APPLICATION FOR AN ORDER

VACATING THE CASE

14 **OSCAR A. AVILES, et al.**

MANAGEMENT CONFERENCE; AND

~~ORDER (Proposed)~~

15 **Defendants.**
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18 **TO THE HONORABLE JEREMY FOGEL, THE DEFENDANTS, AND THEIR**
 19 **ATTORNEYS OF RECORD:**

20 Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Case
 21 Management Conference in this action, presently set for Friday, December 3, 2010 at 10:30 a.m. This
 22 request will be, and is, necessitated by the fact that defendants Nelis Mendoza and Reynaldo R.
 23 Mendoza, individually and d/b/a Golden Fish Restaurant are in default and Plaintiff's Application for
 24 Default Judgment will soon be filed with this Honorable Court.

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

Iris Mendoza (Defendant)
221 Main Street, Suite 101
Salinas, CA 93901

Nelis Mendoza (Defendant)
1714 Darwin Street
Seaside, CA 93901

Reynaldo R. Mendoza (Defenant)
934 Estrada Court
Salinas, CA 93907

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 November 24, 2010, at South Pasadena, California.

Dated: November 24, 2010

/s/ Maria Baird
MARIA BAIRD