

1 **Thomas P. Riley, SBN 194706**  
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**  
3 **First Library Square**  
4 **1114 Fremont Avenue**  
5 **South Pasadena, CA 91030-3227**

6 **Tel: 626-799-9797**  
7 **Fax: 626-799-9795**

8 **Attorney for Plaintiff**  
9 **J & J Sports Productions, Inc.**

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

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

14 **Plaintiff,**

15 **vs.**

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

17 **Defendants.**

18 **Case No. 5:10-cv-04213-JF**

19 **NOTICE OF BANKRUPTCY**  
20 **OF DEFENDANT NELIS MENDOZA;**  
21 **AND ORDER (Proposed)**

22 **TO THE CLERK OF THE COURT:**

23 Please take notice that Plaintiff is informed and believes that Nelis Mendoza filed a  
24 Voluntary Petition seeking protection from creditors in bankruptcy pursuant to the United  
25 States Bankruptcy Code, in Case No. BK 10-61104-CN, of the U.S. Bankruptcy Court,  
26 Northern District of California, San Jose Division. (Please find a true and correct copy of  
27 the October 26, 2010, Notice of Bankruptcy Case Filing from the Clerk of the U.S.  
28 Bankruptcy Court of the Northern District of California attached hereto and made part  
hereof as Plaintiff's Exhibit 1.)



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**ORDER (Proposed)**

The above-entitled action is hereby stayed as to Defendant Nelis Mendoza *only*, pending disposition of Plaintiff's claims against Defendant in bankruptcy.

**IT IS SO ORDERED:**



Date: 1/3/11

**Honorable Jeremy Fogel  
United States District Court  
Northern District of California**

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# Exhibit 1

**UNITED STATES BANKRUPTCY COURT**  
Northern District of California (San Jose)

**Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines**

The debtor(s) listed below filed a chapter 13 bankruptcy case on 10/26/10.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. **NOTE:** The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations**

Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Oscar Adalberto Aviles  
aka Oscar A. Aviles  
1714 Darwin St.  
Seaside, CA 93955

Paula Nelis Aviles  
aka Paula Nelis Mendoza  
1714 Darwin St.  
Seaside, CA 93955

Case Number:  
10-61104

Social Security/Individual Taxpayer ID/Employer Tax ID/Other  
Nos.:  
603-16-0183  
625-48-1852

Attorney for Debtor(s) (name and address):

Christopher Allions  
Law Offices of Christopher Allions  
60 West Alisal Street, #10  
Salinas, CA 93901  
Telephone number: (831)753-2200

Bankruptcy Trustee (name and address):

Devin Derham-Burk  
P.O. Box 50013  
San Jose, CA 95150-0013  
Telephone number: (408) 354-8151

**Meeting of Creditors**

Date: December 8, 2010

Time: 11:45 AM

Location: The Quadrangle #214, 1000 S Main St., Salinas, CA 93901

**Important Notice to Individual Debtors:** The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors.

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Proof of Claim:**

For all creditors (except a governmental unit): **3/8/11**

For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002 (c)(1)): **4/25/11**

**Creditor with a Foreign Address:**

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

**Deadline to File a Complaint to Determine Dischargeability of Certain Debts: 2/7/11**

The case is subject to dismissal, without further notice, upon failure of the debtor to commence making payments **called for in the plan**, not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier. At the confirmation hearing the court may dismiss or convert the case or continue the hearing without prior notice upon a determination the debtor(s) is unable to present a feasible plan. Written objections to confirmation must be filed with the court at or before the Meeting of Creditors and served upon the trustee, Debtor(s), and Debtors' Attorney.

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Filing of Plan, Hearing on Confirmation of Plan**

If the debtor has already filed a proper Chapter 13 Plan, the Plan or a summary of the plan is enclosed. If the debtor has not yet filed a proper Chapter 13 Plan, the Plan or summary will be sent separately. The hearing on confirmation will be held:

Date: 12/15/10

Time: 02:00 PM

Location: U.S. Courthouse and Federal Bldg., 280 S 1st Street, Courtroom 3070 3rd FL., San Jose, CA 95113

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Address of the Bankruptcy Clerk's Office:**

280 South First Street  
Room 3035  
San Jose, CA 95113

**For the Court:**

Clerk of the Bankruptcy Court:  
Gloria L. Franklin

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

2 I declare that:

3  
4 I am employed in the County of Los Angeles, California. I am over the age  
5 of eighteen years and not a party to the within cause; my business address is  
6 First Library Square, 1114 Fremont Avenue, South Pasadena, California 91030-3227.  
7 I am readily familiar with this law firm's practice for collection and processing  
8 of correspondence/documents for mail in the ordinary course of business.

9 On December 6, 2010, I served:

10 **NOTICE OF BANKRUPTCY OF DEFENDANT OSCAR A. AVILES; AND**  
11 **ORDER (Proposed)**

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

15 Iris Mendoza(Defendant)  
16 221 Main Street, Suite 101  
17 Salinas, CA 93901

18 Nelis Mendoza (Defendant)  
19 1714 Darwin Street  
20 Seaside, CA 93901

21 Reynaldo R. Mendoza (Defenant)  
22 934 Estrada Court  
23 Salinas, CA 93907

24 I declare under the penalty of perjury pursuant to the laws of the United  
25 States that the foregoing is true and correct and that this declaration was executed  
26 on December 6, 2010, at Los Angeles, California.

27 Dated: December 6, 2010

*/s/ Maria Baird*

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28 MARIA BAIRD