\*\*E-Filed 1/31/2011\*\* Thomas P. Riley, SBN 194706 LAW OFFICES OF THOMAS P. RILEY, P.C. First Library Square 1114 Fremont Avenue South Pasadena, CA 91030 3 Tel: 626-799-9797 Fax: 626-799-9795 TPRLAW@att.net **Attorneys for Plaintiffs** J & J Sports Productions, Inc. 7 8 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 9 SAN JOSE DIVISION 10 11 J & J SPORTS PRODUCTIONS, INC., CASE NO. 5:10-cv-04213-JF 12 Plaintiff, 13 PLAINTIFF'S EX PARTE VS. APPLICATION FOR AN ORDER 14 VACATING THE CASE OSCAR A. AVILES, et al. 15 **MANAGEMENT CONFERENCE; AND** ORDER (Proposed)-16 Defendants. 17 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, February 4, 2011 at 10:30 a.m. This 22 request will be, and is, necessitated by the fact that defendants Iris Mendoza and Reynaldo R. Mendoza, individually and d/b/a Golden Fish Restaurant are in default and Plaintiff's Application for 23 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 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. 28

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

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1	ORDER (Propused)
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3	It is hereby ordered that the Case Management Conference in civil action number 5:10-cv-04213-
4	JF styled J & J Sports Productions, Inc. v. Oscar A. Aviles, 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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10	IT IS SO ORDERED:
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12	1/04/0044
13	Dated: 1/31/2011
14	THE CONORABLE JUNEMY FOGEL United States District Court
15	Northern District of California
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## PROOF OF SERVICE (SERVICE BY MAIL) 2 I declare that: 3 I am employed in the County of Los Angeles, California. I am over the age of eighteen years 5 and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, 6 California. I am readily familiar with this law firm's practice for collection and processing of 7 correspondence/documents for mail in the ordinary course of business. 8 9 On January 26, 2011, I served: 10 PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE 11 CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) 12 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage 13 prepaid and following ordinary business practices, said envelope was duly mailed and addressed to: 14 15 Iris Mendoza (Defendant) 221 Main Street, Suite 101 16 Salinas, CA 93901 17 Reynaldo R. Mendoza (Defenant) 18 934 Estrada Court Salinas, CA 93907 19 20 I declare under the penalty of perjury pursuant to the laws of the United States that the 21 foregoing is true and correct, and that this declaration was executed on January 26, 2011, at South 22 Pasadena, California. 23 24 Dated: January 26, 2011 /s/ Maria Baird **MARIA BAIRD** 25 26

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