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****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.,**

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

15 **Plaintiff,**

16 **vs.**

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

18 **Defendants.**

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

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

21 Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Case
22 Management Conference in this action, presently set for Friday, February 4, 2011 at 10:30 a.m. This
23 request will be, and is, necessitated by the fact that defendants Iris Mendoza and Reynaldo R.
24 Mendoza, individually and d/b/a Golden Fish Restaurant are in default and Plaintiff's Application for
25 Default Judgment is currently pending before this Honorable Court.

26 As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive
27 pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendants
28 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.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court vacate the Case Management Conference presently scheduled for Friday, February 4, 2011 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: January 26, 2011

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc.

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Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a Certification of Service of this Order with the Clerk of the Court.

THE HONORABLE JEREMY FOGEL
United States District Court
Northern District of California

Dated: 1/31/2011

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24 Dated: January 26, 2011 /s/ Maria Baird

25 **MARIA BAIRD**