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

14 **JOE HAND PROMOTIONS, INC.,**

15 **CASE NO. 5:10-cv-05580-EJD**

16 **Plaintiff,**

17 **PLAINTIFF'S *EX PARTE***
 18 **APPLICATION FOR AN ORDER**
 19 **VACATING THE CASE**
 20 **MANAGEMENT CONFERENCE; AND**
 21 **ORDER (Proposed)**

22 **vs.**

23 **ALDO JIMENEZ JUAREZ, et al.**

24 **Defendant.**

25 **TO THE HONORABLE EDWARD J. DAVILA, THE DEFENDANTS, AND HIS**
 26 **ATTORNEYS OF RECORD:**

27 Plaintiff Joe Hand Promotions, Inc. hereby applies *ex parte* for an order vacating the Case
 28 Management Conference in this action, presently set for Friday, August 26, 2011 at 1:30 P.M. This
 request will be, and is, necessitated by the fact that defendant Aldo Jimenez Juarez, individually and
 d/b/a Aldo's Mexican Sports Restaurant is in default¹ and Plaintiff's Application for Default
 Judgment is presently set to be heard before the Honorable Edward J. Davila on September 23, 2011
 at 9:00 A.M.

¹ 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.

