

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**

6 **Tel: 626-799-9797**  
 7 **Fax: 626-799-9795**  
 8 **TPRLAW@att.net**

9 **Attorneys for Plaintiffs**  
 10 **Joe Hand Promotions, Inc.**

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

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

**CASE NO. 5:11-cv-00508-EJD**

15 **Plaintiff,**

**PLAINTIFF'S *EX PARTE***

16 **vs.**

**APPLICATION FOR AN ORDER**  
**VACATING THE CASE**

17 **UYEN DANG, et al.**

**MANAGEMENT CONFERENCE; AND**  
**ORDER (Proposed)**

18 **Defendant.**

19 **TO THE HONORABLE EDWARD J. DAVILA, THE DEFENDANT, AND THEIR**  
 20 **ATTORNEYS OF RECORD:**

21 Plaintiff Joe Hand Promotions, Inc. hereby applies *ex parte* for an order vacating the Case  
 22 Management Conference in this action, presently set for Friday, August 26, 2011 at 1:30 P.M. This  
 23 request will be, and is, necessitated by the fact that Defendant Uyen Dang, individually and d/b/a Chot  
 24 Nho Café is in default<sup>1</sup> and Plaintiff's Application for Default Judgment is presently set to be heard  
 25 before the Honorable Edward J. Davila on December 16, 2011 at 9:00 A.M.

26  
 27  
 28 <sup>1</sup> 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court vacate the Case Management Conference presently scheduled for Friday, August 26, 2011 at 1:30 P.M. or conduct the conference on the same date the hearing on Plaintiff's Application for Default Judgment in order that Plaintiff and its counsel may avoid unnecessary fees and costs in this matter.

Respectfully submitted,

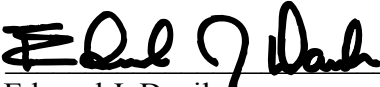
Dated: August 16, 2011

/s/ Thomas P. Riley  
**LAW OFFICES OF THOMAS P. RILEY, P.C.**  
By: Thomas P. Riley  
Attorneys for Plaintiff  
Joe Hand Promotions, Inc.

IT IS SO ORDERED.

The request to continue the conference is DENIED. In its June 16, 2011 Order the Court ordered Mr. Riley personally and physically appear at the August 26, 2011 Case Management Conference.

Dated: August 18, 2011

  
\_\_\_\_\_  
Edward J. Davila  
United States District Judge

///  
///  
///  
///  
///