

1 Balám O. Letona, Esq. SBN 229642  
 2 Law Office of Balám O. Letona, Inc.  
 3 55 River Street, Ste. 220  
 4 Santa Cruz, CA 95060  
 5 Telephone: (831) 421-0200  
 6 Facsimile: (831) 421-0400  
 7 [letonalaw@gmail.com](mailto:letonalaw@gmail.com)

8 Attorney for Plaintiff:  
 9 Norma Chavez

10 **IN THE UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN JOSÉ DIVISION**

13 NORMA CHAVEZ,  
 14 Plaintiffs,  
 15 v.

Case No. C11-02061 HRL JF

**ADMINISTRATIVE MOTION,**  
**REQUEST TO CONTINUE CASE**  
**MANAGEMENT CONFERENCE, and**  
**{Proposed} ORDER**

16 MONARCH LAW OFFICES, P.C.,  
 17 and MICHAEL B. BENNETT, and  
 18 WESTERN DENTAL SERVCIES,  
 19 INC., DOES 1-10, inclusive,  
 20 Defendant(s).

21 The Court scheduled a Case Management Conference for July 19, 2011.

22 Plaintiff requests that the Case Management Conference be continued 60 days  
 23 from July 19<sup>th</sup> so all the parties can enter an appearance.

24 On May 6, 2011, Defendant Western Dental Services, Inc., was served with the  
 25 complaint and a WAIVER OF THE SERVICE OF SUMMONS. Defendant signed and  
 26 returned the waiver and has until July 5, 2011 to file a responsive pleading.

27 On May 5, 2011, Defendants Monarch Law Offices, P.C., and Michael B.  
 28 Bennett, Esq., were served with the complaint. Counsel for Plaintiff spoke with Mr.  
 Mike Mehall, Esq., on May 17<sup>th</sup>. Mr. Mehall called on behalf of Defendants Monarch

1 and Bennett. Defendants had until June 7<sup>th</sup> to file a responsive pleading. When  
2 Defendants failed to answer Plaintiff's counsel sent a letter on June 10<sup>th</sup>, June 17<sup>th</sup> and  
3 June 24<sup>th</sup> requesting contact, or a default would be taken.

4 On June 27, 2011, Defendant Michael Bennett, Esq., contacted Plaintiff's  
5 counsel on behalf of Defendants Monarch and himself. Defendant Bennett stated this  
6 matter was being tendered to his E&O carrier, the Oregon State Bar Professional  
7 Liability Fund and Defendant requested that a default not be filed for 10 days, so that  
8 an answer may be filed.

9 As such, Plaintiff believes that a continuance of the Case Management  
10 Conference will be beneficial for all parties, however, Plaintiff requests that the  
11 Defendants enter an appearance soon.

12 Dated: June 28, 2011

13 /s/ Balám O. Letona

14 \_\_\_\_\_  
15 Balám O. Letona  
16 Attorney for Plaintiff  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

**DECLARATION**

I, Balám O. Letona, hereby attest:

I am counsel for the above-captioned Plaintiff.

- 1. The above facts are true to the best of knowledge.

Under penalty of perjury under the laws of the State of California, signed in Santa Cruz, CA.

Dated: June 28, 2011

/s/ Balám O. Letona  
Balám O. Letona  
Counsel for Plaintiff

**~~Proposed~~ ORDER**

Plaintiff’s Administrative Motion is hereby GRANTED. The Case Management Conference currently scheduled for July 19, 2011 at 1:30 p.m., is hereby continued to 9/23/11 at 10:30 a.m.

**IT IS SO ORDERED.**

**Hon. Howard R. Lloyd** Jeremy Fogel

**U.S. MAGISTRATE COURT JUDGE**  
DISTRICT

Dated: 7/28/11