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CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

FILED
CLERK, U.S. DISTRICT COURT
DEC 13 2006
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

Denied
Must be formal motion.
No good cause shown at parts
Real
12.13.06
Send

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BROTHER RECORDS, INC., a California corporation,

Plaintiffs

vs.

ALLEN GABA, and individual; ROY A. SCIACCA a.k.a. ROY ANTHONY, an individual; GEM SYSTEM, INC., a Nevada corporation; and DOES 1 through 10, inclusive,
Defendants.

ROY A. SCIACCA,
Counterclaimant,

vs.

BROTHER RECORDS, INC., a California corporation, a.k.a. THE BEACH BOYS, and ROES 1 through 10, inclusive,
Counterdefendants.

Case No: CV06-0204 R (CWx)

Delaying Expense Application to
~~PROPOSED~~ ORDER VACATING ENTRY OF DISMISSAL FOR FAILURE TO PROSECUTE; ~~SETTING ASIDE DEFAULT ON COUNTERCLAIMS; AND SETTING NEW DATES FOR PRE-TRIAL CONFERENCE~~

Discovery Cut-off: 11/30/06
Final Pretrial Conf. Date: 12/11/06
Trial Date: 01/23/07

DOCKETED ON CM
DEC 14 2006
BY [Signature] 007

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~~PROPOSED~~ ORDER

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

The order dismissing Brother Records, Inc.'s claims for failure to prosecute is hereby vacated.

The entry of default judgment on Defendant Sciacca's Counterclaims is hereby set aside.

The Final Pretrial Conference Date, previously set for December 11, 2006, is hereby continued until _____.

The Trial Date, currently set for January 23, 2007, is hereby continued until _____.

DENIED

DATE

HONORABLE MANUEL L. REAL, JUDGE

PROOF OF SERVICE

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STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is: 865 S. Figueroa Street, Suite 3200, Los Angeles, CA 90017.

On December 11, 2006, I served the following described as: **[PROPOSED] ORDER VACATING ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE; SETTING ASIDE DEFAULT ON COUNTERCLAIMS; AND SETTING NEW DATES FOR PRE-TRIAL CONFERENCE** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

PLEASE SEE THE ATTACHED SERVICE LIST

- (BY OVERNIGHT DELIVERY)** I caused such document to be delivered by overnight delivery to the offices of the addressee.
- (BY TELECOPY)** I caused such document to be delivered by telecopy transmission to the offices of the addressee.
- (FEDERAL)** I declare that I am employed in the offices of a member of this Court at whose direction the service was made.

Executed on December 11, 2006, at Los Angeles, California.

Sonia Martinez
PRINT NAME


SIGNATURE

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SERVICE LIST

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One California Plaza
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Fax: (213) 624-4840

Allan Gaba
27264 Camp Plenty Road, Unit D
Canyon Country CA 91351

SCANNED