

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARKETING INTEGRALE COMPANY	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	Civil Action No. 4:12-CV-00880
TODD ROBERSON, INDIVIDUALLY, ET. AL.	§	
	§	
Defendants.	§	

PLAINTIFF’S MOTION FOR CONTINUANCE OF SCHEDULING CONFERENCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Marketing Integrale Company as Plaintiff and files this Motion for Continuance of Scheduling Conference. Plaintiff requests that this court continue the Initial Pre-Trial and Scheduling Conference (“scheduling conference”), which is currently scheduled for Monday, June 25, 2012. Defendants are Todd Roberson, Individually, Todd Roberson d/b/a bestdamnstocks.com, thepennystockguru.com; Mesa Marketing, LLC (“Mesa Marketing”), otcbullmarkets.com, thebullexchange.com, and other Defendants whose identifies are unknown at this time.

I. INTRODUCTION

1. On March 22, 2012, Plaintiff filed a complaint against all Defendants excluding Mesa Marketing. On April 9, 2012, Plaintiff amended its complaint to include Mesa Marketing as an additional defendant. Plaintiff then contacted Mesa Marketing and the company waived service of process on April 18, 2012. Plaintiff, however, was unable to either identify or locate

the remaining Defendants. On June 7, 2012, Mesa Marketing made its first appearance in this case.

2. This court then ordered that the parties confer as required by Fed. R. Civ. P. 26(f) and prepare a joint/discovery case management plan (“report”). While conferring, Plaintiff decided that since all parties have not been identified and/or served, additional time is needed for the parties to file a more complete report for the scheduling conference. Plaintiff now respectfully requests that this court continue the scheduling conference to a later date.

II. ARGUMENTS

A. This Court Has Adequate Time to Continue the Scheduling Conference.

3. The judge must issue the scheduling order as soon as practicable, but in any event within the earlier of 120 days after any defendant has been served with the complaint or 90 days after any defendant has appeared. Fed. R. Civ. P. 16(b)(2). Here, Mesa Marketing waived service of process on April 18, 2012 and made its first appearance on June 7, 2012. As such, this court can issue its scheduling order on August 16, 2012, 120 days after April 18, 2012.

III. CONCLUSION

4. For reasons above, Plaintiff respectfully requests that this court continue the current June 25, 2012 scheduling conference to a later date.

DATE: June 22, 2012.

RESPECTFULLY SUBMITTED,

THE DEYON LAW GROUP, PLLC

_____/s/_____
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CERTIFICATE OF SERVICE

I certify that on June 22, 2012 a true and correct copy of the foregoing document was served on the following through the Court's CM/ECF system:

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Attorneys for Defendant Mesa Marketing, LLC

_____/s/_____
DEREK H. DEYON

CERTIFICATE OF CONFERENCE

Plaintiff hereby certifies that it conferred with all attorneys of record for Defendant Mesa Marketing, LLC and that the attorneys are waiting for their client's approval of Plaintiff's Motion for Continuance. These conferences occurred daily via email between all attorneys of record during the week of June 18, 2012.

_____/s/_____
DEREK H. DEYON

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ORDER ON PLAINTIFF’S MOTION FOR CONTINUANCE OF SCHEDULING
CONFERENCE

On this date, the Court considered Plaintiff’s Motion for Continuance of Scheduling Conference. After considering the Motion, the Court finds that Plaintiff’s Motion for Continuance of Scheduling Conference should be, and is hereby, GRANTED.

The Court continues the Initial Pre-Trial and Scheduling Conference before Kenneth Hoyt to the _____ day of _____, at _____ o’clock ____ M. by telephone.

Counsel who files or removes any action is responsible for placing the conference call and insuring that all parties are on the line. The call may be placed to (713) 250 – 5613.

SIGNED this _____ day of _____, 20_____.

KENNETH M. HOYT
United States District Judge