

1 James L. Greeley (SBN 218975)
jgreeley@vgcllp.com
2 Diyarí Vázquez (SBN 222461)
dvazquez@vgcllp.com
3 VGC, LLP
1515 7th Street, No. 106
4 Santa Monica, California 90401
Telephone: (424) 272-9885
5 Attorneys for Plaintiff
6 JOSEPH DIAZ, JR.

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION**
11

12 JOSEPH DIAZ, JR.,

13 Plaintiff,

14 v.

15 RALPH HEREDIA, true name
16 RAFAEL HEREDIA TARANGO, a/k/a
17 RAFAEL HEREDIA, a/k/a RAFAEL
BUSTAMANTE; JOHN DOE, ESQ.;
and JANE DOES 1 through 20,
inclusive,

18 Defendants.
19
20
21
22
23
24
25
26
27
28

Case No. 5:20-cv-02332-JWH-KK

**DECLARATION OF JAMES L.
GREELEY IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT RALPH HEREDIA'S
MOTION TO COMPEL
ARBITRATION AND/OR STAY
THE PROCEEDINGS PENDING
ARBITRATION**

Date: March 12, 2021
Time: 9:00 a.m.
Courtroom: 2
Judge: Hon. John W. Holcomb

1 I, James L. Greeley, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California
3 and before this Court. I am a principal of VGC, LLP, counsel of record for Plaintiff
4 Joseph Diaz, Jr. I have personal knowledge of the following facts and, if called as a
5 witness, I could and would testify competently with respect thereto.

6 2. On September 1, 2020, I received an email that Mr. Diaz had received
7 from the California State Athletic Commission on August 24, 2020 informing him that
8 his manager-of-record Moses Heredia had requested arbitration against Mr. Diaz
9 before the Commission. My colleague Alex Safyan and I prepared a response on Mr.
10 Diaz's behalf to the Commission, which we sent on October 2, 2020. Attached hereto
11 as **Exhibit D** is a true and correct copy of our email to the Commission.

12 3. The arbitration has not yet been scheduled due to concerns about
13 conducting the arbitration in person during the COVID-19 pandemic.

14 4. On October 7, 2020, my firm filed on Mr. Diaz's behalf a Complaint in
15 San Bernardino County Superior Court against Defendant Ralph Heredia. (See ECF
16 No. 3.) The action was removed to this Court on November 9, 2020. (See ECF No.
17 1.) On December 9, 2020, Defendant Heredia filed a motion to dismiss Plaintiff's
18 Complaint. (ECF No. 9.) Prior to filing this motion to dismiss, Defendant Heredia's
19 counsel did not make any attempt to meet and confer with Plaintiff's counsel as
20 required by Central District Local Rule 7-3. The Court denied Defendant Heredia's
21 first motion to dismiss, without prejudice, based on his violation of Local Rule 7-3.
22 (ECF No. 22.)

23 5. On January 19, 2021, Defendant Heredia filed a second motion to dismiss.
24 (ECF No. 23.) It was not until after Mr. Diaz filed his opposition to this second motion
25 to dismiss, and on the day that Heredia's reply brief was due, February 5, 2021, that
26 Heredia filed the instant "Motion to Withdraw Motion to Dismiss (ECF No. 23) and
27 Motion to Compel Arbitration and/or Stay the Proceedings Pending Arbitration." (See
28 ECF No. 25.)

