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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 (EASTERN DIVISION)

13 Joseph Diaz, Jr.,

14 Plaintiff,

15 vs.

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

21 Defendants.
22

Case No.: 5:20-cv-02332 JWH (KKx)

[PROPOSED] ORDER

23 Defendant Ralph Heredia, through undersigned counsel, moves to dismiss
24 Plaintiff Joseph Diaz, Jr.'s Complaint. The Court having considered Defendant's
25 Motion to Dismiss hereby orders as follows:

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27 //

28 [PROPOSED] ORDER - 1

1 1. Plaintiff's First Cause of Action is dismissed.

2 Plaintiff Joseph Diaz, Jr. has failed to please sufficient allegations, failed to
3 plead with particularity a fraudulent inducement theory of fraud, failed to plead
4 with particularity a nondisclosure theory of fraud, failed to plead with particularity
5 a concealment theory of fraud, and failed to adequately plead damages resulting
6 from any type of fraud. The Court dismisses this action accordingly.

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8 2. Plaintiff's Second Cause of Action is dismissed.

9 Plaintiff Joseph Diaz, Jr. has alleged a breach of fiduciary duty against the
10 wrong party, Ralph Heredia, and as such, cannot allege a breach of fiduciary duty
11 against the wrong party. The Court dismisses this action accordingly.

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13 3. Plaintiff's Third Cause of Action is dismissed.

14 Plaintiff Joseph Diaz, Jr. had an express contract, and this cannot allege an
15 implied-in-fact contract. The Court dismisses this action accordingly.

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17 4. Plaintiff's Fourth Cause of Action is dismissed.

18 Plaintiff Joseph Diaz, Jr. did not show a factual basis in support of the
19 fundamental element of ownership necessary for a conversion action under
20 California law. The Court dismisses this action accordingly.

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22 5. Plaintiff's Fifth Cause of Action is dismissed.

23 Plaintiff Joseph Diaz, Jr. fails to allege a prima facie case of tortious interference
24 with prospective economic advantage under California law and failed to allege any
25 wrongful conduct by Defendant to support the claim. The Court dismisses this
26 action accordingly.

1 6. Plaintiff's Sixth Cause of Action is dismissed.

2 Plaintiff Joseph Diaz, Jr. fails to allege that Defendant is employed by
3 Golden Boy Productions, and fails to show what harm Plaintiff has suffered as a
4 result of Defendant's conduct, and fails to show any damages incurred. The Court
5 dismisses this action accordingly.

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7 7. Plaintiff's Seventh Cause of Action is dismissed.

8 Plaintiff Joseph Diaz, Jr. claim of quantum meruit fails because there was an
9 express contract in place between Plaintiff and Defendant and Plaintiff does not
10 allege that he has not been compensated a reasonable value for his services
11 rendered. The Court dismisses t his action accordingly.

12
13 8. Plaintiff's Eighth Cause of Action is dismissed.

14 Plaintiff Joseph Diaz, Jr. has requested an action for accounting from the
15 wrong party. Plaintiff had a contract with Heredia Boxing Management company
16 and Mr. Moses Heredia, not with Defendant Heredia herein, and therefore the
17 Plaintiff cannot request an accounting from the wrong party. The Court dismisses
18 this action accordingly.

19
20 Dated: December 18, 2020

Respectfully submitted,

21
22 /s/ Rajan O. Dhungana

Rajan O. Dhungana (SBN: 297794)

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Attorneys for Defendant
Ralph Heredia

CERTIFICATE OF SERVICE

I hereby certify that on December 17 2020, I filed the foregoing Defendant Ralph Heredia's [Proposed] Order with the Clerk of the Court and sent a copy of such filing via the CM/ECF system.

Furthermore, I sent a copy via certified mail and email to the following:

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Joseph Diaz, Jr.

Dated: December 18, 2020

Respectfully submitted,

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