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10 *Attorneys for Defendant*

11 Mr. Ralph Heredia

12 **UNITED STATES DISTRICT COURT**

13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 **(EASTERN DIVISION)**

15 Joseph Diaz, Jr.,

16 Plaintiff,

17 vs.

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

24 Defendants.

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

**NOTICE OF MOTION AND
MOTION FOR RELIEF FROM A
JUDGMENT OR ORDER**

Date: April 23, 2021

Time: 9:00 a.m.

Courtroom: 2

Judge: Hon. John W. Holcomb

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN THAT on April 23, 2021 at 9:00 a.m., before the Honorable John W. Holcomb, in Courtroom 2 of the United States Courthouse for the Central District of California, Eastern Division, George E. Brown, Jr. Federal Building and United States Courthouse, 3470 12th St., Riverside, CA 92501, Defendant Ralph Heredia will and hereby does move the Court for relief from a judgment or order pursuant to Fed. R. Civ. P. 60(b) and Local Rule (L.R.) 7-18.

This motion is made following the conference of counsel pursuant to L.R. 7-3. Pursuant to L.R. 7-3, the parties attempted to meet and confer on or before March 17, 2021 (more than seven days prior to the last day for filing the motion). Defendant's counsel sent a detailed letter to Plaintiff's counsel discussing the intent to file a motion for relief from a judgment or order on March 16, 2021. Both parties made an attempt to conduct a telephone conversation on or before March 17, 2021. However, due to a scheduling conflict, the parties met and conferred concerning this motion on March 18, 2021. Defendant's counsel, Eric Montalvo and Rajan Dhungana called Plaintiff's counsel, Diyari Vázquez, to conduct a meet and confer concerning the intent to file the motion for relief from judgment or order. Plaintiff's counsel responded that she opposed this motion. As such, counsel were unable to reach a resolution for the motion.

As set forth in the accompanying Memorandum of Points and Authorities, there is good cause for the relief requested.

This Motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the pleadings and papers filed in this action; and such further argument and matters as may be offered at the time of the hearing of this motion.

Dated: March 24, 2021

Respectfully submitted,

1 /s/ Rajan O. Dhungana
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