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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 RAFAEL
17 RAFAEL HEREDIA, a/k/a RAFAEL
BUSTAMANTE; JOHN DOE, ESQ.;
and JANE DOES 1 through 20,
18 inclusive,

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

**DECLARATION OF DIYARI
VAZQUEZ IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT RALPH HEREDIA'S
MOTION FOR RELIEF FROM A
JUDGMENT OR ORDER**

Date: April 30, 2021
Time: 9:00 a.m.
Courtroom: 2
Judge: Hon. John W. Holcomb

1 I, Diyarí Vázquez, 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 the Head of Litigation of VGC, LLP, counsel of record for
4 Plaintiff Joseph Diaz, Jr. I have personal knowledge of the following facts and, if
5 called as a witness, I could and would testify competently with respect thereto.

6 2. Attached hereto as **Exhibit A** is a true and correct copy of email
7 correspondence from March 2021 between counsel for Defendant and me concerning
8 the L.R. 7-3 conference regarding Defendant's motion to reconsider. On Sunday
9 March 14, 2021, Mr. Montalvo's assistant emailed to schedule a call "early in the
10 week" to meet and confer regarding a Rule 60(b) motion. On March 16, I wrote that
11 our team was available to meet and confer on the 17th or 18th at certain times. On
12 March 16, Mr. Montalvo's assistant replied and stated: "Unfortunately the proposed
13 times do not work. We are instead proposing Thursday, March 18th at 4:00 PM EST."
14 The telephonic conference was held on that day and time.

15 3. Attached hereto as **Exhibit B** is a true and correct copy of a PDF printout
16 of the web address <http://www.linkedin.com/in/rajandhungana> (printed March 26,
17 2021 and last accessed April 8, 2021). The web page is the LinkedIn profile for Mr.
18 Rajan Dungana, local counsel for Plaintiff in this case. Underneath a picture of Mr.
19 Dungana on p. 1 it states "Attorney at Sahara Legal Group Reno, Nevada." Under
20 "experience" on p. 2, the web page states that Mr. Dungana has worked at the Sahara
21 Legal Group in "Reno, Nevada Area" from "March 2014 – present." Mr. Dungana's
22 web page does not contain any reference to the Federal Practice Group.

23 4. Attached here as **Exhibit C** is a true and correct copy of a PDF printout
24 of the web address https://fedpractice.com/meet_our_team/rajan-o-dhungana/ (printed
25 March 26, 2021 and last accessed April 8, 2021). The page lists Mr. Dhungana as a
26 Partner at the Federal Practice Group and states that Mr. Dhungana "has been
27 practicing primarily in immigration law."
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1 5. Attached here as **Exhibit D** is a true and correct copy of a PDF printout
2 of the web address <https://fedpractice.com/our-people> (printed March 26, 2021 and last
3 accessed April 8, 2021). The page shows Mr. Montalvo to be a “founding partner” of
4 the Federal Practice Group. On Page 6, it states that the address for the Federal Practice
5 Group is 1750 K Street, NW 9th Floor, Washington, DC 20006.

6 6. Attached here as **Exhibit E** is a true and correct copy of email
7 correspondence from November and December 2020 between my office and the
8 Federal Practice Group. I was copied on this email correspondence. On November
9 16, 2020, my colleague wrote to Mr. Dhungana regarding Mr. Dhungana filing a notice
10 of removal to federal court prior to the service of his client: “As a member of the
11 California State Bar (though your office is in Nevada), I trust you are familiar with the
12 rules governing acceptance of service by counsel who has appeared on behalf of a party
13 in litigation.” Mr. Dhungana responded and stated that: “I am happy to accept service
14 on the client’s behalf, via email or postal mail. Rajon O. Dhungana, Sahara Law
15 Group, 7320 S Rainbow Blvd., STE 102-360. Las Vegas, Nevada 89139.”

16 7. Attached here as **Exhibit F** is a true and correct copy of Dkt. 16, the
17 Application of Non-Resident Attorney in a Specific Case *Pro Hac Vice* filed by
18 Defendant in this case. On December 23, 2020, Eric Montalvo certified under penalty
19 of perjury that: “I am familiar with the Court’s Local Civil and Criminal Rules”
20 Mr. Montalvo further certified that: “I designate the attorney listed in Section III below,
21 who is a member in good standing of the Bar of this Court **and maintains an office in**
22 **the Central District of California for the practice of law, in which the attorney is**
23 **physically present on a regular basis to conduct business**, as local counsel pursuant
24 to Local Rule 82.-2.1.3.4.” (emphasis added). On Page 3, Mr. Dhungana declared
25 under penalty of perjury that “I maintain an office in the Central District of California
26 for the practice of law, in which I am physically present on a regular basis to conduct
27 business.”
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