1 James L. Greeley (SBN 218975) jgreeley@vgcllp.com Diyari Vázquez (SBN 222461) 2 dvazquez@vgcllp.com VGC, LLP 1515 7th Street, No. 106 Santa Monica, California 90401 3 4 Telephone: (424) 272-9885 5 Attorneys for Plaintiff JOSEPH DIAZ, JR. 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 **EASTERN DIVISION** 11 Case No. 5:20-cv-02332-JWH-KK JOSEPH DIAZ, JR., 12 Plaintiff, DECLARATION OF JAMES L. 13 **GREELEY IN SUPPORT OF** 14 PLAINTIFF'S OPPOSITION TO v. DEFENDANT RALPH HEREDIA'S **MOTION TO COMPEL** 15 RALPH HEREDIA, true name ARBITRATION AND/OR STAY RAFAEL HEREDIÁ TARANGO, a/k/a 16 RAFAEL HEREDIA, a/k/a RAFAEL THE PROCEEDINGS PENDING BUSTAMANTE; JOHN DOE, ESQ.; and JANE DOES 1 through 20, ARBITRATION 17 inclusive, March 12, 2021 Date: 18 Time: 9:00 a.m. Defendants. Courtroom: 19 Hon. John W. Holcomb Judge: 20 21 22 23 24 25 26 27 28

GREELEY DECLARATION ISO PLAINTIFF'S OPPOSITION TO MOTION TO COMPEL ARBITRATION

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- I am an attorney duly licensed to practice law in the State of California and before this Court. I am a principal of VGC, LLP, counsel of record for Plaintiff Joseph Diaz, Jr. I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently with respect thereto.
- On September 1, 2020, I received an email that Mr. Diaz had received from the California State Athletic Commission on August 24, 2020 informing him that his manager-of-record Moses Heredia had requested arbitration against Mr. Diaz before the Commission. My colleague Alex Safyan and I prepared a response on Mr. Diaz's behalf to the Commission, which we sent on October 2, 2020. Attached hereto as **Exhibit D** is a true and correct copy of our email to the Commission.
- The arbitration has not yet been scheduled due to concerns about 3. conducting the arbitration in person during the COVID-19 pandemic.

On October 7, 2020, my firm filed on Mr. Diaz's behalf a Complaint in

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

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- 5. On January 19, 2021, Defendant Heredia filed a second motion to dismiss.
- (ECF No. 23.) It was not until after Mr. Diaz filed his opposition to this second motion
- 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
- Motion to Compel Arbitration and/or Stay the Proceedings Pending Arbitration." (See
- ECF No. 25.)

- 6. The first time that Heredia's counsel mentioned a potential motion to stay this proceeding pending arbitration was on Friday afternoon, February 5, 2021, at 12:51 p.m.—only a few hours before filing the instant motion. Attached hereto as **Exhibit E** is a true and correct copy of Heredia's counsel's email to my colleague Alex Safyan asking whether Mr. Diaz would "consent to a motion to stay the proceedings pending arbitration," and Mr. Safyan's response. I was copied on both emails. There was no other communication of any kind from Heredia's counsel relating to the instant motion. The motion was filed later that same evening on February 5, 2021, at 10:15 p.m., via the Court's CM/ECF system.
- 7. Mr. Diaz has incurred over \$24,000 in attorneys' fees and expenses in having to respond to Defendant Heredia's two motions to dismiss. This includes nearly 40 hours of Mr. Safyan's time at a rate of \$495 per hour, and approximately 8 hours of my time at a rate of \$525 per hour.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed February 19, 2021 in Los Angeles, California.

/s/ James L. Greeley
James L. Greeley