

1 Rajan O. Dhungana (SBN: 297794)

2 rdhungana@fedpractice.com

3 Eric S. Montalvo (*Pro Hac Vice*)

4 emontalvo@fedpractice.com

5 FEDERAL PRACTICE GROUP

6 1750 K Street, N.W., Suite 900

7 Washington, D.C. 20006

8 Telephone: (202) 862-4360

9 Fax: (888) 899-6053

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 WITHDRAWAL OF  
DEFENDANT HEREDIA'S  
MOTION FOR RELIEF FROM A  
JUDGMENT OR ORDER [ECF NO.  
36]**

1 Defendant Heredia now files this Notice of Withdrawal to inform the Court  
 2 that he is withdrawing his previously filed Motion for Relief from a Judgment or  
 3 Order, ECF No. 36, and re-files its Motion for Relief from a Judgment or Order to  
 4 ensure compliance with L.R. 7-3 and L.R. 7-18.

5 The Court denied with prejudice Defendant Heredia's Motion to Compel  
 6 Arbitration and/or Stay of the Proceedings Pending Arbitration [ECF No. 25] on  
 7 March 10, 2021 [ECF No. 33]. Counsel held their conference of counsel on March  
 8 18, 2021. This created a conflict between L.R.'s 7-3 (requiring the conference of  
 9 counsel to occur seven days prior to the filing of the motion) and 7-18 (requiring a  
 10 motion for reconsideration to be filed no later than 14 days after the order from the  
 11 court absent good cause).

12 Defendant filed a motion to extend the time to file a motion on March 22,  
 13 2021 with consent from Plaintiff [ECF No. 34]. On March 24, 2021, absent a  
 14 decision on his motion to extend the time to file, Defendant filed its Motion for  
 15 Relief from a Judgment or Order [ECF No. 36]. On March 25, 2021, the Court  
 16 granted the motion to extend the time to file [ECF No. 38]. Defendant now  
 17 withdraws ECF No. 36 and re-files his Motion for Relief from a Judgment or Order  
 18 to ensure compliance with L.R.'s 7-3 and 7-18.

19  
 20 Dated: March 31, 2021

Respectfully submitted,

21  
 22 /s/ Rajan O. Dhungana

Rajan O. Dhungana (SBN: 297794)

Eric S. Montalvo (*Pro Hac Vice*)

FEDERAL PRACTICE GROUP

1750 K Street, N.W., Suite 900

Washington, D.C. 20006

Telephone: (202) 862-4360

Fax: (888) 899-6053

[rdhungana@fedpractice.com](mailto:rdhungana@fedpractice.com)

[emontalvo@fedpractice.com](mailto:emontalvo@fedpractice.com)

23  
 24  
 25  
 26  
 27  
 28  
 NOTICE OF WITHDRAWAL OF DEFENDANT HEREDIA'S MOTION FOR RELIEF FROM A  
 JUDGEMNT OR ORDER [ECF NO. 36]

*Attorneys for Defendant*  
Ralph Heredia