

1 Rajan O. Dhungana (SBN: 297794)

rdhungana@fedpractice.com

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

3 emontalvo@fedpractice.com

4 FEDERAL PRACTICE GROUP

1750 K Street, N.W., Suite 900

5 Washington, D.C. 20006

6 Telephone: (202) 862-4360

7 Fax: (888) 899-6053

8 *Attorneys for Defendant*

9 Mr. Ralph Heredia

10 **UNITED STATES DISTRICT COURT**

11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12 **(EASTERN DIVISION)**

14 Joseph Diaz, Jr.,

15 Plaintiff,

16 vs.

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

22 Defendants.

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

**DECLARATION OF RAJAN
DHUNGANA IN SUPPORT OF
DEFENDANT'S REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO
COMPEL ARBITRATION AND/OR
STAY THE PROCEEDINGS
PENDING ARBITRATION**

Date: March 12, 2021

Time: 9:00 a.m.

Courtroom: 2

Judge: Hon. John W. Holcomb

28 RAJAN DHUNGANA DECLARATION ISO DEFENDANTS REPLY TO PLAINTIFF'S OPPOSITION
TO DEFENDANT'S MOTION TO COMPEL ARBITRATION AND / OR STAY PROCEEDINGS
PENDING ARBITRATION

1 I, Rajan Dhungana, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the States of
3 California and Nevada and before this Court. I am a partner at the Federal Practice
4 Group, LLC. I have personal knowledge of the following facts and, if called as a
5 witness, I could and would testify competently with respect thereto.

6 2. On December 9, 2020, Defendant filed a motion to dismiss. On
7 January 5, 2021, this Court denied without prejudice Defendant's motion to
8 dismiss for not following Local Rule 7-3.

9 3. On January 5, 2021, following the denial without prejudice, I called
10 Mr. Alexander Safyan, VGC, LLP to discuss a refiling the motion to dismiss. The
11 call lasted approximately 25 minutes. During the call Mr. Safyan stated words to
12 the effect of "This is the meet and confer." This statement contained the legally
13 operative language concerning the requirement under Local Rule 7-3. I asked Mr.
14 Safyan to speak again so that I could include Mr. Montalvo, my co-counsel, and
15 Mr. Safyan did not agree to a rescheduled call, again reiterated that "This is the
16 meet and confer, right now".

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

19 Executed February 26, 2020 in Los Angeles, California.



20
21
22 Rajan Dhungana