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Attorney for Plaintiff
AARON ABEL

ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
02/24/2017
Clerk of the Court
BY: GARY FELICIANO
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

AARON ABEL,

Plaintiff,

v.

1979 UNION STREET CORPORATION;
HO BET LEE, LAI FONG LEE, AND
LEO MING LEE, as co-trustees of the
Generation-Skipping Trust established
under the HOM HON PING AND KAI
TAI LEE REVOCABLE TRUST U/A
dated December 2, 1976, as amended May
10, 1989; MAY LEE; LEO M. LEE; LEO
Y. LEE; and DOES 1 to 50, inclusive,

Defendants.

CASE NO. CGC-15-543471

**DECLARATION OF JOSEPH S. MAY IN
SUPPORT OF PLAINTIFF'S MOTION TO
CONTINUE TRIAL**

Date: March 16, 2017
Time: 9:30 a.m.
Dept.: 206
Judge: Hon. Teri L. Jackson

Action Filed: January 2, 2015
Trial Date: April 3, 2017

AND RELATED CROSS-ACTIONS

I, Joseph S. May, declare:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of California and am counsel for Plaintiff Aaron Abel.

2. I have personal knowledge of the following facts, and if called as a witness can and will competently testify to them under oath.

3. This declaration is made in support of Plaintiff's motion to continue trial.

4. This action was filed on January 2, 2015. Trial was first set for July 5, 2016. Due to Defendant's need to conduct discovery, including the performing of a defense physical examination, the parties agreed to continue trial to December 12, 2016.

5. I am attorney of record in *Tran v. 2000 Senter Road, LLC*, currently pending in Santa Clara County Superior Court, Case No. 114CV260736. The *Tran* case is a wrongful death action commenced in February 2014 and involves many parties, represented by a total of six different law firms. This matter was set to commence trial on September 28, 2016; however, counsel for the primary defendant sought a continuance due to a schedule conflict. The trial was re-set to November 28, 2016, which created a conflict with the December 12, 2016 trial date in the instant matter. Therefore, I reached out to counsel for Defendant and cross-defendant, to seek a continuance. The parties stipulated to a continuance to April 3, 2017. The Court granted an ex parte application to continue the trial but stated in the order that any further continuances must be made by noticed motion. A copy of this order is attached as Exhibit A.

6. The parties answered ready on November 28, 2016 in the *Tran* case; however, there was no courtroom available, so the case trailed, and was eventually re-set to April 3, 2017. This date was selected despite my disclosure of the fact that I am set for trial in this matter on the same day.

7. I believed that there was a strong possibility that the instant matter would settle pre-trial; however, once discussions reached a standstill, I immediately notified all counsel that I had a conflict due to my new trial setting in the *Tran* case. The other parties indicated that they have no opposition to Plaintiff's request for a further trial continuance, and both have indicated their availability in August 2017.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on February 24, 2017.

JOSEPH S. MAY

Aaron Abel v. 1979 Union Street Corp.
San Francisco Superior Court
Case No. CGC-15-543471

PROOF OF SERVICE

I, Joseph S. May, certify:

I am, and at all times mentioned herein was, an active member of the State Bar of California and not a party to the above-entitled cause. My business address is 1388 Sutter Street, Suite 810, San Francisco, California.

I served the attached **DECLARATION OF JOSEPH S. MAY IN SUPPORT OF PLAINTIFF'S MOTION TO CONTINUE TRIAL** on February 24, 2017, by causing a copy thereof to be electronically served through File and Serve Express, on the following:

Mark R. Mittelman, Esq.
Law Offices of Mark R. Mittelman
575 Lennon Lane, Suite 150
Walnut Creek, CA 94598
Attorneys for Defendant
1979 Union Street Corporation

Thomas W. J. Purtell, Esq.
Law Offices of Thomas W. J. Purtell
534 Pacific Ave., Ste. 200
San Francisco, CA 94133
Attorney for Cross-Defendant
Giovanni Navarrete

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: February 24, 2017


JOSEPH S. MAY