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16 **UNITED STATES DISTRICT COURT**  
 17 **CENTRAL DISTRICT OF CALIFORNIA**

18 SOUTHERN CALIFORNIA  
 19 INSTITUTE OF LAW, a California  
 20 corporation,

21 Plaintiff,  
 22 vs.

23 TCS EDUCATION SYSTEM, an  
 24 Illinois corporation; DAVID J.  
 25 FIGULI, an individual; and GLOBAL  
 26 EQUITIES, LTD. d/b/a HIGHER  
 27 EDUCATION GROUP, a Colorado  
 28 limited liability company,

Defendants.

CASE NO.: CV10-8026 JAK (AJWx)  
 [Assigned to Hon. John A. Kronstadt]

**DECLARATION OF GEORGE A.  
 SHOHE** REGARDING **SHORT  
 DELAY IN FILING PLAINTIFF'S  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES IN OPPOSITION TO  
 DEFENDANTS' MOTIONS TO  
 DISMISS**

Action Filed: Oct. 25, 2010

Hearing Date: August 8, 2011

Time: 1:30 p.m.

Courtroom: 750

1 I, George A. Shohet, declare:

2 1. I am an attorney licensed to practice in the courts of California and a  
3 member of the Bar of this Court. I make this declaration for the purpose of  
4 explaining the short delay in filing Plaintiff's Memorandum of Points and  
5 Authorities in Opposition to Defendants' Motions to Dismiss ("Opposition Brief").  
6 I have personal knowledge of the facts set forth herein and, if called as a witness,  
7 could and would competently testify about them.

8 2. Pursuant to Local Rule 7-9, the Opposition Brief was due to be filed  
9 on or before July 18, 2011. I worked on the Opposition Brief diligently, but was  
10 unable to complete the brief until the following day. It was filed at  
11 approximately 1:30 p.m. on July 19, 2011, thirteen and one half hours late. The  
12 filing delay was largely due to formatting problems which developed late in the day  
13 on July 18 as I tried to integrate the portion of the brief prepared by my co-counsel  
14 into the main brief. At the time, my assistant who may have been able to resolve  
15 the problem was visiting her family on the east coast. On the morning of July 19,  
16 2011, through e-mail correspondence with my assistant, I was able to resolve the  
17 issues and convert the Opposition Brief into a PDF document. The table of  
18 contents was then manually prepared rather than electronically generated because  
19 the software would still not allow us to do so. The brief was promptly filed  
20 thereafter.

21 3. The defendants raised the late filing issue in their reply memoranda  
22 even though it is clear that they were not prejudiced and the late filing was not  
23 "wilful, grossly negligent or reckless," which is the basis for a sanctions award.  
24 Local Rules 7-13 and 83-7. Defendants timely filed their reply memoranda. I  
25 contacted counsel for the defendants to apologize for the delay and inquired if they  
26 needed any additional time or wanted to supplement the replies. I was told by their  
27 respective counsel that such accommodations were unnecessary.

1           4.       Although there is no prejudice to the defendants due to the short delay  
2 in filing the Opposition Brief, plaintiff's counsel regret any inconvenience the  
3 delay may have caused the Court or the parties.  
4

5           I declare under penalty of perjury under the laws of the United States of  
6 America that the foregoing is true and correct. Executed July 27, 2011 at Los  
7 Angeles, California.  
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12 George A. Shohet  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of the foregoing document via Central District of California CM/ECF system on July 27, 2011.

\_\_\_\_\_/s/ George A. Shohet\_\_\_\_\_