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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

12 PRZEMYSLAW BRONCEL)

13 Plaintiff,)

14 v.)

15 H&R TRANSPORT, LTD;)
16 RANDY WILSON; JOSE AMEZQUITA;)
17 CAYETANO CRUZ; SOUTH BEN EXP.)
18 and DOES 1 to 100, inclusive.)

19 Defendants)

20 Case Number: 1:08-CV-496-AWI-DLB

21 EX PARTE APPLICATION TO CONTINUE
22 FURTHER SCHEDULING AND/OR
23 SETTLEMENT CONFERENCE;
24 DECLARATION OF JOSEPH H. LOW IV

25 Current Date: January 19, 2010

26 Proposed Date: January 27, 2010

27 Time: 10:00am

28 Courtroom: 9

Judge: Hon. Dennis L. Beck

29 Counsel for the plaintiff, Joseph H. Low IV, requests a continuance of the Further
30 Scheduling and/or Settlement Conference on January 19, 2010, to January 26, 2010, or February
31 9, 2010 at 10:00am., or a future date such as the courts calendar permits, in Courtroom 9 of the
32 above-entitled court, located at 2500 Tulare Street, Fresno, CA 93721.

33 Plaintiffs are requesting a brief continuance of the hearing date. Grounds for the continuance
34 are set forth in the declaration of Joseph H. Low IV, submitted here with.

35 Dated: January 14, 2010

LAW FIRM OF JOSEPH H. LOW IV

36 By: /s/ Joseph H. Low IV

37 Joseph H. Low IV

38 Attorneys for Plaintiff

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ORDER

The Court having read the foregoing *ex parte* application and good cause appearing therefore, IT IS HEREBY ORDERED that the Further Scheduling and/or Settlement Conference in this matter currently scheduled for January 19, 2010, is hereby continued until January 27, 2010, at 10:00 am before the Honorable Dennis L. Beck, U.S. Magistrate Judge.

DECLARATION OF JOSEPH H. LOW IV

I, Joseph H. Low IV, declare:

I am an attorney at the Law Firm of Joseph H. Low IV and counsel of record for plaintiff, PRZEMYSŁAW BRONCEL in this matter. The facts set forth herein are personally known to

1 me, except where alleged on information and belief and if called as a witness I could testify
2 competently thereto.

3 This declaration is in support of an *ex parte* application to continue the Further
4 Scheduling and/or Settlement Conference hearing presently scheduled for January 19, 2010.

5 The reasons for said continuance are the following:

6 1. On December 3, 2009, the Further Scheduling and/or Settlement Conference hearing
7 was reset from December 15, 2009, to January 19, 2010.

8 2. From January 15, 2010 to January 20, 2010, I will be in Miami, Florida for the
9 depositions of plaintiffs in the matter of *Sarnlek Mongtale, et al v Vaughn Nadeau, et al*. This
10 case is venued in Alaska and these depositions have been scheduled since October.

11 3. Beginning January 27, 2010 until January 31, 2010, I will be teaching at the Trial
12 Lawyers College, where I have been a senior instructor for over 9 years. I will be teaching the
13 entire seminar providing CLE credits to lawyers.

14 4. February 1-5, 2010, I will be engaged in a Military Courts Martial on base 29 Palms,
15 CA. I am retained civilian defense counsel for *USA v PFC Drew Crossland*.

16 5. On January 14, 2010, at approximately 4:30pm, I spoke with Attorney Emily
17 Weissenberger, who is the Attorney for Defendants. Ms. Weissenberger has no objection to a
18 continuance of the Further Scheduling and/or Settlement Conference.

19 6. I am available January 26, 2010 or February 9, 2010, for the Further Scheduling and/or
20 Settlement Conference.

21 I declare under the penalty of perjury that the foregoing is true and correct.

22 Executed this 14th day of January at Long Beach, California.

23
24 /s/ Joseph H. Low IV _____
25 JOSEPH H. LOW IV

26 IT IS SO ORDERED.

27 Dated: January 15, 2010

28 /s/ *Dennis L. Beck*
UNITED STATES MAGISTRATE JUDGE

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