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8 Attorney for PLAINTIFF:
9 CYNTHIA HOPSON

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

13 **CYNTHIA HOPSON,**

14
15 **PLAINTIFF,**

16
17 **v.**

18
19 **VALHALLA PROPERTY HOLDING**
20 **LLC, ALL US TACOS INC.,** as an
21 entity and doing business as “Del Taco”,
22 and DOES 1-10, inclusive,
23 **DEFENDANTS.**

Case No.: 1:16-cv-1798-AWI-
SAB

REQUEST FOR
CONTINUANCE OF RULE 26
CONFERENCE AND ORDER
GRANTING THEREOF

24 On March 21st, 2017, this Court, by the Order of the Honorable Stanley A.
25 Boone, scheduled the Rule 26 Status Conference for May 23rd, 2017, at 3:30 p.m., in
26 Courtroom 9, on the 6th Floor of the Robert E. Coyle United States Courthouse,
27
28

1 located at 2500 Tulare Street, in Fresno, California. Daniel Malakauskas, attorney for
2 Plaintiff, Cynthia Hopson, now makes a request that this Court continue the Rule 26
3 Conference for sixty (60) days.
4

5
6 **Declaration of Daniel Malakauskas In Support of Request**
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8 I, Daniel Malakauskas, declare that if called as a witness and duly sworn, I
9 would and could competently testify the following based on my own personal
10 knowledge.
11

12 1. I filed the complaint for this on November 28th, 2016.

13 2. After, I filed the complaint, I hired the process server company, FireFly
14 Legal, Inc. to serve the defendants.
15

16 2. Firefly Legal, Inc., process server company was unable to serve
17 defendant, Valhalla Property Holding, LLC.
18

19 3. Firefly Legal, Inc., process server company personally served Abbas
20 Safedz, as owner of the “Del Taco”, located at 2400 Mitchell Road in Ceres,
21 California, on December 5th, 2017.
22

23 4. Sometime after being served, it was brought to my attention, that Abbas
24 Safedz did not actually own the “Del Taco” located at 2400 Mitchell Road in Ceres,
25 California. Rather, ALL US TACOS, INC., owned the “Del Taco” located at 2400
26 Mitchell Road, in Ceres, California.
27
28

1 5. Therefore, I filed an Amended Complaint on February 7th, 2017 and
2 included ALL US TACOS, INC., as a defendant.

3 6. After, I filed the Amended Complaint, I never received a new summons
4 for ALL US TACOS, INC. Therefore, on, or around, February 23rd, 2017, I contacted
5 the ECM help desk for the Court and requested that a new summons be issued. The
6 ECM help desk issued a new summons.
7
8

9 7. After receiving the new summons, I contacted FireFly Legal, Inc., to
10 serve ALL US TACOS, INC. Firefly Legal, Inc., was unable to serve the agent for
11 ALL US TACOS, INC in a manner that would have satisfied the service of process
12 laws.
13
14

15 8. Subsequently, I was contacted by GUATTA DUTTA, as ALL US
16 TACOS, INC., is aware of the lawsuit. GUATTA DUTTA, who is attorney for
17 Defendant, ALL US TACOS, INC., agreed to waive service of process on behalf of
18 his clients but desired for sixty (60) days to file a response. Given the lack of
19 complexity of this particular case, during our conversation, both Guatta Dutta and
20 myself both agreed that we will probably be able to settle the case within sixty (60)
21 days. Finally, Mr. Guatta Dutta is in trial and will be unavailable next week.
22 Therefore, I request that the Rule 26 Conference be continued for sixty (60) days.
23
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27 Date: May 16th, 2017.
28

/s/ Daniel Malakauskas

By: DANIEL MALAKAUSKAS
Attorney for PLAINTIFF
CYNTHIA HOPSON

ORDER

IT IS HEREBY ORDERED, that the status conference is continued from May 23rd, 2017, at 3:30 p.m. until July 25, 2017 at 2:30 p.m. The parties shall file a Joint Scheduling Conference Report one week before the new conference date.

IT IS SO ORDERED.

Dated: May 17, 2017



UNITED STATES MAGISTRATE JUDGE