

1 JAMES DAL BON, Bar No. 157942
 2 TOMAS E. MARGAIN, Bar No. 193555
 3 DAL BON & MARGAIN, APC
 4 28 NORTH 1ST SUITE 700
 5 SAN JOSE, CA 95113
 6 TEL (408) 297-4729
 7 FAX (408) 297-4728

8 jdblaw@earthlink.net

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
 11 FOR THE
 12 NORTHERN DISTRICT OF CALIFORNIA

13 ARNULFO MARTINEZ

Case No.: 3:10-cv-03478-BZ

14 Plaintiff

**AFFIDAVIT TO CONTINUE INITIAL
 CASE MANAGEMENT CONFERENCE**

15 v.

16 BRANDON QUANG and NCBI
 17 INVESTMENT, INC.

18 Defendant(s)

19 **DECLARATION OF TOMAS MARGAIN**

20 1. I am the attorney for Plaintiff in this action, and I have personal knowledge of each fact
 21 stated in this declaration.

22 2. The above matter is currently set for an Initial Case Management Conference set for
 23 January 24, 2011 with a Case Management Conference Statement due January 17, 2011.

24 3. I write to request a 30 day extension so that this matter may be fully settled and the
 25 Settlement reduced to a writing.

1 4. The parties have reached a settlement as to the amount. They are working out issues
2 regarding a payment plan. The corporate defendant is a restaurant that needs a structured
3 settlement.

4 5. The 30 day period will allow us to finish this negotiation point and draft and execute a
5 written agreement. I anticipate dismissing the action and having language in the agreement
6 which would call for a penalty if I have to file in State Court to enforce the agreement. I want to
7 do this so that the Court does not need to retain jurisdiction during the period it would take to
8 complete the payments.

9 6. Defendants have retained James Macy a licensed attorney who practices in Sacramento.
10 We are trying to work out the last details but will not be able to do so by January 17, 2011.

11 7. The Summons Complaint and all papers have been served. Plaintiffs have consented to
12 the Jurisdiction of a Magistrate. Defendants have not yet made an appearance nor filed their
13 consent.

14
15 I declare under penalty of perjury under the laws of the United States that the foregoing is
16 true and correct.

17 Executed this 14th of January 2011 in San Jose, California.

18
19
20 //s// Tomas Margain

21 TOMAS MARGIN

22 GRANTED. New Case Management Conference
23 is scheduled for February 27, 2011 at 4:00 p.m.

24 Dated: January 14, 2011

