1 | DAVID I. DALBY (SBN: 114750) HINSHAW & CULBERTSON LLP 2 One California Street, 18th Floor San Francisco, CA 94111 3 Telephone: 415-362-6000 Facsimile: 415-834-9070 4 ddalby@hinshawlaw.com 5 Attorneys for Defendants RESURGENT CAPITAL SERVICES 6 L.P., LVNV FUNDING, LLC 7 8 9 UNITED STATES DISTRICT COURT 10 NORTHERN DISTRICT OF CALIFORNIA 11 SAN FRANCISCO DIVISION 12 DONNA GARCIA Case No.: 11cv-01253 EMC 13 Plaintiff, STIPULATION CONTINUING THE **HEARING OF PLAINTIFF'S MOTION** 14 VS. FOR ATTORNEY'S FEES AND COST; 15 [PROPOSED] ORDER RESURGENT CAPITAL SERVICES L.P., LVNV FUNDING, LLC, THE 16 BRACHFELD LAW GROUP, P.C. a.k.a. 17 BRACHFELD & ASSOCIATES, P.C. and HON. EDWARD M. CHEN DOES 1-10, 18 Defendants. Trial: Vacated 19 20 Whereas plaintiff Donna Garcia filed a motion for an award of attorney's fees and 21 costs on Thursday, June 7, 2012 scheduling the date of the hearing on the motion for 22 Friday, July 13, 2012, and, Whereas counsel for defendants Resurgent Capital Services 23 LP and LVNV Funding, LLC has a preexisting hearing scheduled on July 13, 2012 in the 24 Los Angeles County Superior Court, pursuant to the United States District Court for the 25 Northern District of California Local Rules, Rules 5-4, 6-2, and 7-12, by and through their 26 27 28

STIPULATION CONTINUING HEARING ON MOTION FOR ATTORNEY'S FEES ORDER -- CASE NO. 11CV-01253 EMC

Dated: June 8, 2012

DECLARATION OF DAVID IAN DALBY

- I, David Ian Dalby declare,
- 1. I am an attorney licensed to practice in the State of California and I am admitted to practice before this court. I have personal knowledge of the facts recited in this declaration and could competently testify thereto if called upon to do.
- 2. On Thursday, June 7, 2012, plaintiff filed a motion for an award of attorney's fees and costs, scheduling the hearing on the motion for Friday, July 13, 2012.
- 3. I am the attorney for Lifeforce Cryobank Sciences, Inc. in two law suits pending in the Los Angeles County Superior Court, *Hidalgo v. Kazi Foods, Inc.,et al,* Case No. BC 450323 and *McCoy v. Syed Raheel, et al.* Case No. BC 461679. There is a long scheduled hearing date in those two cases on July 13, 2012 to address the latest round of attacks on the plaintiffs' respected amended complaints in those actions and an award of attorneys to fees to defendants, including Lifeforce.
- 4. On Friday, June 8, 2012, I contacted plaintiff Donna Garcia's attorney, Ronald Wilcox, and requested that he stipulate to a continuance of the July 13, 2012 hearing on the motion for an award of attorney's fees and costs in view of the conflict in my schedule. Mr. Wilcox agreed to do so.
- 5. I am also counsel for Sioux Honey Association, Cooperative in *Brod v*. Sioux Honey Association, Cooperative, U.S.D.C., N. Cal., Case No. CV 12 12645 EMC. There is currently pending a motion to dismiss plaintiff Brod's first amended complaint by Sioux Honey Association which is scheduled to be heard on Friday, July 20, 2012.
- 6. The parties have not previously requested a continuance of the pending motion to for an award of attorney's fees and costs, and there are no other hearings, deadlines or events scheduled in this case.

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

/s/ David Ian Dalby