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5 Attorney for Plaintiffs

6 **UNITED STATES DISTRICT COURT**
 7 **SOUTHERN DISTRICT OF CALIFORNIA**

8 PACIFIC LAW CENTER, a Professional Law
 Corporation: and SOLOMON WARD
 9 SEIDENWURM AND SMITH LLP,

Case No: 07-CV-00460-JLS (POR)

**DECLARATION OF TATIANA
 GANUZA**

10 Plaintiff,

11 v.

12 SHAHROKH SAADAT-NEJAD, an individual,

13 Defendant,

14
15 I, Tatiana Ganuza, declare as follows:

16 1. I am a Paralegal and currently employed at Phillips and Associates as such under the
 17 supervision of Robert F. Clarke, Esq.

18 2. Part of my duties as a Paralegal at Phillips and Associates include communicating
 19 with court clerks to confirm the filing of documents and / or pleadings.

20 3. In that capacity, on Friday April 25, 2008 at about 8:15AM I received a call back
 21 from Melissa who introduced herself as a court clerk of San Diego regarding the above
 22 referenced matter. She was calling me back as a result of a message Sarah Marchese,
 23 Legal Assistant for the firm, had left yesterday regarding the status of the Request for
 24 Dismissal filed by plaintiff counsel. Melissa stated she had received the Request but
 25

1 need to clarify whether there a First Amended Complaint was ever filed in order to
2 make sure the action was completely dismissed and properly done. As the Request for
3 Dismissal made no reference to the First Amended Complaint ever being filed. I am not
4 familiar with this matter, I asked her to hold while I made a search to give her the
5 appropriate response. I initially sent a message to Mr. Clarke (my supervising attorney)
6 who said he did not know and had to look it up. Prior to his response I looked through
7 the file and noticed it was mentioned on the Pleadings index and with Melissa still on
8 the phone, she was also going through their records. Melissa made referenced to what
9 she found as filed in February 2007 by Pacific Law Center. That needs to be listed in
10 our request; I asked what other options we had, Per Melissa if I gave her the
11 authorization she would be able to write in for us, asked her to please do so. She would
12 get that processed today for us.

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15 4. Later this same day, I noticed Defendant Saadat-Nejad had reserved today (April 25,
16 2008) to file a Motion to dismiss the action. I called Melissa back to confirm this
17 information, unable to contact her directly I left voicemail messages on two different
18 phone numbers. Initially on the phone number that appeared on caller identification
19 from her initial call of (619) 531-1168 and lastly on a (619) 685-6120 asking her to call
20 me back and give me status on this motion and what had occurred.

21
22 5. At approximately 10:40AM I received Melissa's call back stating Defendant, Saadat-
23 Nejad, had reserved for the motion "a while back" but they received the motion late as it
24 was filed on April 21st. It should have been done at least sixteen to twenty-one days
25 prior (she was not sure of exact timing). Either way it was late which would not have

1 given enough time to rest of the parties to oppose or respond (there's no telling whether
2 they would have looked it up anyway). She stated the Dismissal has been processed and
3 signed, if Defendant goes in today (which he probably will) they will simply advise him
4 and give him a copy of the dismissal.
5

6
7 I declare that the foregoing is true and correct of my own knowledge except as to those
8 things that are stated on information and belief and as to such matters; I believe them to
9 be true.
10

11 Dated this 25th day of April, 2008
12

13 RESPECTFULLY SUBMITTED
14

15
16 /s/ Tatiana Ganuza
17 Tatiana Ganuza
18 Paralegal for Robert F. Clarke, Esq.
19 Phillips and Associates
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