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Superior Court of California
County of Fresno
By: I. Herrera, Deputy

Attorneys for Plaintiff DELI DELICIOUS FRANCHISE, INC.

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CIVIL UNLIMITED

DELICIOUS FRANCHISE, INC., a
California corporation

Plaintiffs,

v.

HADI HOBAB, an individual; and DOES 1
through 50,

Defendants.

Case No. 19CECG01217

DECLARATION OF DAVID D. SCHNEIDER
IN RESPONSE TO ORDER TO SHOW
CAUSE

DATE: July 17, 2020
TIME: 1:30 p.m.
DEPT: 501

Complaint filed: April 17, 2019
Trial Date: None

I, David D. Schneider, declare:

1. I am an attorney admitted to practice law before all of the courts of the State of California and a shareholder of Dowling Aaron Incorporated, attorneys for Plaintiff DELI DELICIOUS FRANCHISE, INC.. I have personal knowledge of all facts stated in this Declaration and can testify competently thereto.

2. An initial Case Management Conference was scheduled for September 5, 2019 at 3:30 p.m. in Department 402.

1 3. On August 29, 2019, a minute order was issued from chambers
2 continuing the Case Management Conference to December 4, 2019 at 3:30 p.m. in Department
3 402.

4 4. On November 26, 2019, a minute order was issued from chambers
5 continuing the Case Management Conference to March 5, 2020 at 3:30 p.m. in Department
6 402.

7 5. Our office received the minute order of November 26, 2019 in the first
8 week of December 2019. At that time, the attorney handling the matter was transitioning to a
9 new position as house counsel for a local company, and my secretary had resigned from my
10 law firm. Due to these changes in personnel, the March 5, 2020 Case Management Conference
11 did not get placed on my calendar.

12 6. On January 7, 2020, a default was entered against defendant.

13 7. I was unaware of the March 5, 2020 Case Management Conference and
14 did not attend as it was not on my calendar. Shortly after the Case Management Conference, I
15 received the minute order and order to show cause issued at that Case Management Conference
16 setting an Order to Show Cause hearing for May 22, 2020 at 1:30 p.m. in Department 402 to
17 show cause as to why I should not be sanctioned for failing to appear at the March 5, 2020 Case
18 Management Conference. Due to Covid-19, the Order to Show Cause hearing was continued to
19 July 17, 2020 at 1:32 p.m. in Department 402 by way of a minute order issued on May 1, 2020.

20 8. I have been an attorney since 2001 and I can remember no other time in
21 my career when a scheduled Case Management Conference was not placed on my calendar and
22 I failed to attend a scheduled Case Management Conference. I am embarrassed and sincerely
23 apologetic to the Court for my oversight.

24 9. Based on the above, I am respectfully requesting that the Court exercise
25 its discretion not to issue monetary sanctions against me or my firm resulting from my failure
26 to appear at the March 5, 2020 Case Management Conference.

27 10. I will appear at the Order to Show Cause hearing and the continued Case
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1 Management Conference via telephone at 1:32 p.m. on July 17, 2020.

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Dated: June 24, 2020

DOWLING AARON INCORPORATED

By:



DAVID D. SCHNEIDER

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA**)
3 **COUNTY OF FRESNO**) **SS**

4 I am a citizen of the United States and a resident of the County aforesaid; I am over the
5 age of eighteen (18) years and not a party to the within-entitled action. My business address is
6 Dowling Aaron Incorporated, 8080 N. Palm Avenue, Third Floor, Fresno, California, 93711. On
7 June 24, 2020, I served the within document(s):

8 **DECLARATION OF DAVID D. SCHNEIDER IN RESPONSE TO**
9 **ORDER TO SHOW CAUSE**

10 **BY FAX:** By transmitting via facsimile transmission the document(s) listed above to the
11 fax number(s) set forth below on this date before 5:00 p.m. *AS INDICATED*

12 **BY MAIL:** By placing the document(s) listed above in a sealed envelope with postage
13 thereon fully prepaid, in the United States mail at Fresno, California, addressed as set
14 forth below.

15 **BY OVERNIGHT COURIER:** By causing the document(s) listed above to be picked
16 up by an overnight courier service company for delivery to the address(es) listed below
17 on the next business day.

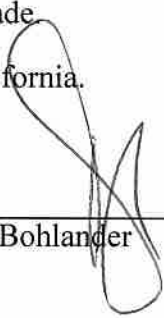
18 **HADI HOBAB**
19 **1385 SKYLINE DRIVE**
20 **LAGUNA BEACH, CA92651**

21 I am readily familiar with the firm's practices of collection and processing of
22 correspondence for mailing. Under that practice, it would be deposited with the United States
23 Postal Service on that same day with postage thereon fully prepaid in the ordinary course of
24 business. I am aware that on motion of the party served, service is presumed invalid if postal
25 cancellation date or postage meter date is more than one day after date of deposit for mailing in
26 affidavit.

27 (State) I declare under penalty of perjury under the laws of the State of
28 California that the foregoing is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar
of this court at whose direction the service was made.

Executed on June 24, 2020, at Fresno, California.



Tara Bohlander