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Attorney pro se for Defendant Charles Carreon

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER RECOUVREUR,
Plaintiff,
v.
CHARLES CARREON,
Defendants.

CASE NO. 3:12-CV-03435 RS

**REPLY DECLARATION IN SUPPORT OF
EX PARTE MOTION PURSUANT TO
F.R.CIV.P. 6(b)**

DECLARATION OF CHARLES CARREON

Charles Carreon declares and states as follows:

1. I am an attorney licensed to practice law in the State of California, and the attorney for the defendant herein. I make this declaration on personal knowledge, and if called as a witness could and would so competently testify.
2. In his opposition to this ex parte application, Mr. Levy asks the Court to give me only until December 12th to file opposition to the motion for expenses and fees.
3. This will not help me very much, because I am flying to Los Angeles on December 11th to meet with a client on Tuesday and Wednesday. A copy of my itinerary is attached as Exhibit 6.
4. With regard to Mr. Levy's statement that I threatened him with "scorched earth litigation tactics," nothing could be further from the truth. What I told him, and which he redacted from my email, was that I am attempting to refinance my home, and but for the pendency of

- 1 this lawsuit, the refinance was a done deal. I said that if I lost my refinance opportunity
 2 because of this lawsuit, I thought that Public Citizen Litigation Group might be liable for
 3 negligent or intentional interference with prospective economic advantage. By that statement
 4 I was merely putting him on notice of the fact that his conduct could lead to liability for his
 5 employer.
- 6 **5.** The person who suggested that he might leave the earth scorched was Mr. Levy, who told me
 7 that if plaintiff's case herein were dismissed, he would appeal, and that he "loves to be on
 8 appeal."
- 9 **6.** I did not tell Mr. Levy that I have a reputation for "delaying litigation." Indeed, I believe I
 10 have a reputation for moving litigation along with alacrity. I simply told him, in response to
 11 his threat to take appeals, that I too have been litigating for some 26 years, and once engaged,
 12 do not tire easily.
- 13 **7.** Mr. Levy's statement in his declaration that he would "prefer to see any arguments that
 14 defendant may have about the claim for fees before advising plaintiff about his response to
 15 the offer of judgment" is not evidence relevant to the motion for an extension, but merely
 16 reveals his own strategic goal for refusing the extension request that I have been required to
 17 make to the Court.
- 18 **8.** Finally, Mr. Levy's arguments about the law applicable to a Rule 68 Offer of Judgment are
 19 not relevant to the granting of the requested extension on the service costs motion. The only
 20 reason I mentioned the Rule 68 Offer of Judgment in my application for extension was to
 21 provide evidence that I have not merely been "talking settlement," but have in fact am
 22 sincere about settling the case, and therefore acted reasonably in not drafting an opposition to
 23 the motion for costs of service.
- 24 **9.** Wherefore, good cause exists to grant the motion and issue an order in the form previously
 25 submitted.

26 I hereby declare, pursuant to the provisions of 28 U.S.C. § 1746 (2), under penalty of perjury
 27 under the laws of the United States of America that the foregoing is true and correct.

28 Executed at Tucson, Arizona on December 7, 2012

s/Charles Carreon/s
 Charles Carreon, Declarant

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EXHIBIT 6

Gmail

Charles Carreon <chascarreon@gmail.com>

FW: Los Angeles - Tue Dec/11/2012 (Itinerary#
152508801855)

1 message

Tom Forrest <tomforrest@Redacted for Client Privacy> Fri, Nov 30, 2012 at 7:31 PM
To: "Charles Carreon, Esq." <chascarreon@gmail.com>
Cc: Tom Forrest <tomforrest@Redacted for Client Privacy>

From: Expedia.com [mailto:Expedia@expediamail.com]
Sent: Friday, November 30, 2012 6:33 PM
To: Tom Forrest
Subject: Los Angeles - Tue Dec/11/2012 (Itinerary# 152508801855)

[Expedia, Inc.](#)

This Expedia Itinerary was sent from Charles Carreon. If you have access to this account, you can view the [most up-to-date version](#).

Los Angeles

EXHIBIT 6

Tue Dec/11/2012 - Wed Dec/12/2012 | Itinerary # 1525-0880-1855

Important Information

- Remember to bring your itinerary and government-issued photo ID for airport check-in and security.

Tucson (TUS) → Los Angeles (LAX)

CONFIRMED

Tue Dec/11/2012 - Wed Dec/12/2012 , 1 round trip ticket

UNITED

GHQJPL

US Airways

E8XXQS

Expedia Booking ID 237ZT3

Your reservation is booked and confirmed. There is no need to call and reconfirm this reservation.

Traveler Information

Charles Carreon
Adult

No frequent flyer
details provided

Ticket #
0167162873006

* Seat assignments, special meals, frequent flyer point awards and special assistance requests should be confirmed directly with the airline.

Tue Dec/11/2012 - Departure
Nonstop

Total travel time: 1 h 38 m

Price Summary

Traveler 1: Adult \$222.40

Flight \$176.74

Taxes & Airline
Fees \$45.66

Expedia Booking
Fee \$7.00

Total: \$229.40

EXHIBIT 6

Tucson Los Angeles 1 h 38 m

TUS 6:00am LAX 6:38am

Terminal 8

UNITED 5491 Operated by SKYWEST DBA UNITED EXPRESS

Economy/Coach (K) | Seat 12D | Confirm or change seats with the airline*

Wed Dec/12/2012 - Return
1 stop

Total travel time: 3 h 7 m

Burbank Phoenix 1 h 29 m

BUR 4:30pm PHX 6:59pm

Terminal 4

This flight departs from BUR not LAX

US Airways 2847 Operated by US AIRWAYS EXPRESS-MESA AIRLINES

Economy/Coach (U) | Seat 12C | Confirm or change seats with the airline*

Layover: 0 h 51 m

Phoenix Tucson 0 h 47 m

PHX 7:50pm TUS 8:37pm

Terminal 4

US Airways 2829 Operated by US AIRWAYS EXPRESS-MESA AIRLINES

Economy/Coach (U) | Seat 12C | Confirm or change

All prices quoted in US dollars.

Additional Flight Services

- The airline may charge **additional fees** for checked baggage or other optional services.