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6 Attorneys for Defendant
7 BALBOA CAPITAL CORPORATION

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

10 MICHAEL A. VANDERVORT and)
11 U.S. SAMPLE SERVICES, INC., on)
12 behalf of themselves and all others)
similarly situated,)

13 Plaintiffs,

14 vs.

15
16 BALBOA CAPITAL
CORPORATION,

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18 Defendant.
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Case No.: SACV 11-1578-JLS(JPRx)
Hon. Josephine L. Staton

**DECLARATION OF NANCY
BARNES IN SUPPORT OF THE
MOTION FOR EXTENSION OF
TIME TO FILE OPPOSITION TO
MOTION FOR PRELIMINARY
APPROVAL OF THE CLASS
SETTLEMENT**

1 NANCY M. BARNES, declares the following under the penalties of
2 perjury, pursuant to 28 U.S.C. § 1746:

3 1. I am a partner at the law firm of Thompson Hine LLP and am the
4 lead attorney for the Defendant Balboa Capital Corporation in this matter. I am
5 submitting this Declaration in support of the Motion for Extension of Time to File
6 Opposition to the Motion for Preliminary Approval of the Class Settlement.

7 2. Defendant seeks this brief, one-week extension of time until October
8 4, 2013 to file its Opposition to Plaintiff's Motion for Preliminary Approval of the
9 Settlement Agreement.

10 3. Due to a clerical error, the Motion for Preliminary Approval was not
11 docketed on my firm's internal docketing system or reviewed by the undersigned
12 counsel. The Motion for Preliminary Approval was filed at almost the identical
13 time and date as Defendant's Motion to Enforce the Settlement Agreement. As a
14 result, when the notices of filing were received for both Motions, the Motion for
15 Preliminary Approval was inadvertently not filed or docketed for a response date.

16 4. On September 29, 2013, the undersigned counsel reviewed Plaintiff's
17 Opposition to the Motion to Enforce the Settlement Agreement and learned for
18 the first time that a Motion for Preliminary Approval had been filed and a
19 response needed to be prepared on behalf of Defendant.

20 5. Undersigned counsel immediately prepared an Application for
21 Extension of Time and sought the consent of opposing counsel to file an
22 Opposition one week late on October 4, 2013. Counsel for Plaintiff, Aytan
23 Bellin, has indicated that he is willing to consent to the relief sought herein, but
24 this Motion is being filed solely on behalf of Defendant.

25 6. Undersigned counsel is mindful of the Court's standing order and
26 instruction that motions for extension of time should be filed five days in advance
27 of the expiration date, but counsel was unaware of the opposition deadline due to
28 the internal filing error.

