

NO. 10-16992

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH DISTRICT

FILED  
DATE INITIAL

GARY BLACK AND HOLLI BEAM — BLACK

*Plaintiffs/Appellants,*

v.

GOOGLE, INC.

*Defendant/Appellee.*

On Appeal from the United States District Court for the  
Northern District of California  
Case No. 4:10-cv-02381-CW  
The Honorable Claudia Wilken

**OBJECTION**  
(Procedural)

GARY BLACK AND HOLLI BEAM-BLACK

101 Auld Court

Green Valley Falls, California 94534

(707) 373-2960

Plaintiffs are acting: *"In Propria Persona"*

1.

1  
2 On December 20th, 2010 the plaintiffs filed a brief with the Ninth Circuit in case #10-  
3 16992. The clerk objected to the filing of the brief based upon page count and counsel for the  
4 defense objected to the filing of any brief by the plaintiffs. After arguments by the parties on  
5 March 21, 2011 the court ordered as follows:

6 "The Clerk shall file the oversized opening brief received on December 20, 2010." "The Clerk shall  
7 discard the opening briefs received on January 3, 2011 and January 10, 2011."

8 Following an audit of the public record the plaintiffs discovered the clerk never complied  
9 with the courts' order. On March 21st, it appears on record that the clerk filed a brief dated  
10 January 3 which was ordered to be discarded. The clerk never filed plaintiffs original brief,  
11 dated December 20th as ordered. The defendants have since replied to the brief and the  
12 plaintiffs filed an optional reply brief.

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14 2.

15 Seven paper copies of the original December 20th brief were served and filed with the  
16 clerk, upon the clerks request, on March 21st; they are correct briefs, only the clerks public  
17 filing is erroneous and in violation of the courts' order (Doc. #14).

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19 3.

20 Plaintiffs believe the court should correct the clerks error before proceeding with a  
21 verdict as any verdict may be undermined by said violations of the courts order within the  
22 record.

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24 4.

25 Plaintiffs are therefore asking the court to direct necessary procedures to correct  
26 the record at Doc. #15 - an incorrectly filed original which was ordered discarded and plaintiffs  
27 further ask the court for relief.

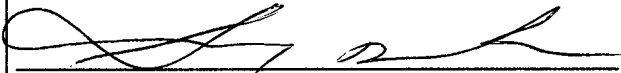
28  
29 5.

30 A proper relief, it seems to plaintiffs would be an expedition of the matter upon the  
31 courts own motion as the objections by defendants and misfiling by the clerk have unduly

1 caused upwards of six months in delay.

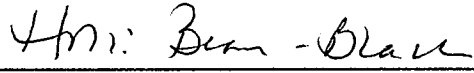
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3 Respectfully submitted before the Ninth Circuit Court Of Appeals,

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Dated: July 27, 2011

5 Gary Black, individually plaintiff

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Dated: July 27, 2011

7 Holli Beam Black, individually plaintiff

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1  
2 CERTIFICATE OF SERVICE BY US MAIL

3 I, Jose G. Torres, declare:

4 I am employed in Solano County. I am over the age of 18 years and not a party to the within  
5 action. My business address is: 1440 Military West; suite #104 Benicia, California 94510.

6 I am readily familiar with depositing mail with the United States Postal Service. On this date, I  
7 served on each party listed below, a document entitled:  
8

9 **OBJECTION**  
(Procedural)

10 Case no. 10-16992

11 Before

12 UNITED STATES COURT OF APPEALS  
13 FOR THE NINTH DISTRICT

14 GARY BLACK AND HOLLI BEAM-BLACK  
*Plaintiffs/Appellants, V. GOOGLE, INC., Defendant/Appellee.*

15 On Appeal from the United States District Court for the  
16 Northern District of California  
17 Case No. 4:10-cv-02381-CW  
The Honorable Claudia Wilken

18 by placing it into an envelope with fully paid postage thereon, sealed the envelope, and  
19 delivered the envelope for mailing to the United States Post Office in Benicia, California.

20 Wilson Sonsini Goodrich & Rosati  
21 attorneys at law  
22 650 Page Mill Road  
Palo Alto, California 94304-1050  
23 Telephone (650) 493-9300

24 I declare under the penalty of perjury under the laws of the United States that the foregoing is  
25 true and correct. Executed at Benicia, California 94510 on July 27, 2011.

26 JOSE G TORRES

27 Jose G. Torres