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NO. 10-16992

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UNITED STATES COURT OF APPEALS
FOR THE NINTH DISTRICT

DOCKETED 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*"

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1.

6 On December 20th, 2010 the plaintiffs filed a brief with the Ninth Circuit in case #10-
7 16992. The clerk objected to the filing of the brief based upon page count and counsel for the
8 defense objected to the filing of any brief by the plaintiffs. After arguments by the parties on
9 March 21, 2011 the court ordered as follows:

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

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

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18 2.

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

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23 3.

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

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28 4.

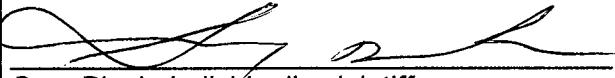
29 Plaintiffs are therefore asking the court to direct necessary procedures to correct
30 the record at Doc. #15 - an incorrectly filed original which was ordered discarded and plaintiffs
31 further ask the court for relief.

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33 5.

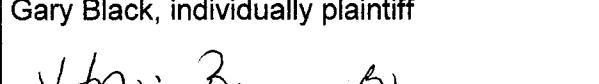
34 A proper relief, it seems to plaintiffs would be an expedition of the matter upon the
35 courts own motion as the objections by defendants and misfiling by the clerk have unduly

1 caused upwards of six months in delay.
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4 Respectfully submitted before the Ninth Circuit Court Of Appeals,
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6 
7 Gary Black, individually plaintiff

Dated: July 27, 2011

8 
9 Holli Beam Black, individually plaintiff

10 Dated: July 27, 2011

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CERTIFICATE OF SERVICE BY US MAIL

I, Jose G. Torres, declare:

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

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

OBJECTION

(Procedural)

Case no. 10-16992

Before

UNITED STATES COURT OF APPEALS
FOR THE NINTH DISTRICT

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

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

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

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

JOSE G TORRES

Jose G. Torres