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MICHAEL PLANET, IN HIS OFFICIAL
7 CAPACITY AS COURT EXECUTIVE
OFFICER/CLERK OF THE VENTURA
8 COUNTY SUPERIOR COURT

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

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13 COURTHOUSE NEWS SERVICE,

14 Plaintiff,

15 v.

16 MICHAEL PLANET, IN HIS
OFFICIAL CAPACITY AS COURT
17 EXECUTIVE OFFICER/CLERK OF
THE VENTURA COUNTY
18 SUPERIOR COURT,

19 Defendant.

Case No. CV11-08083 R (MANx)

Assigned for all purposes to
Hon. Manuel L. Real

**[PROPOSED] ORDER RE:
DEFENDANT’S OBJECTIONS
TO EVIDENCE IN:**

**(1) DECLARATION OF
WILLIAM GIRDNER IN
SUPPORT OF MOTION OF
COURTHOUSE NEWS SERVICE
FOR PRELIMINARY
INJUNCTION; AND**

**(2) DECLARATION
CHRISTOPHER MARSHALL IN
SUPPORT OF MOTION OF
COURTHOUSE NEWS SERVICE
FOR PRELIMINARY
INJUNCTION**

Date: November 21, 2011
Time: 10:00 a.m.
Courtroom: 8

1 **I. OBJECTIONS TO THE DECLARATION OF WILLIAM GIRDNER**
 2 **IN SUPPORT OF MOTION OF COURTHOUSE NEWS SERVICES**
 3 **FOR PRELIMINARY INJUNCTION**

| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
|--|---|--|
| <u>Declaration of William Girdner in Support of Motion of Courthouse News Service for Preliminary Injunction (“Girdner Decl.”), Exhibit 3:</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 13.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶¶ 14 – 16.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 17.</u> | <u>Objection(s):</u> Best Evidence Rule (FRE 1002). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 18.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |

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| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
|--|---|--|
| | 1006); Lacks Personal Knowledge (FRE 602); Improper Opinion Testimony (FRE 701). | |
| <u>Girdner Decl. ¶ 19.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602); Irrelevant (FRE 402). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 20.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 21.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104, FRE 1006); Lacks Personal Knowledge (FRE 602); Improper Opinion Testimony (FRE 701). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |

| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
|---|--|--|
| <u>Girdner Decl. ¶ 22.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602); Improper Opinion Testimony (FRE 701). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 23.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 28.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602); Best Evidence Rule (FRE 1002). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 25.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602); | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |

| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
|---|---|--|
| | Best Evidence Rule (FRE 1002). | |
| <u>Girdner Decl. ¶ 27.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602); Best Evidence Rule (FRE 1002). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 28.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602); Irrelevant (FRE 402); Improper Opinion Testimony (FRE 701). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 29.</u> | <u>Objection(s):</u> Irrelevant (FRE 402). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |

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| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
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| <u>Girdner Decl. ¶ 30.</u> | <u>Objection(s):</u> Irrelevant (FRE 402); Improper Opinion Testimony (FRE 701). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 31.</u> | <u>Objection(s):</u> Irrelevant (FRE 402); Improper Opinion Testimony (FRE 701). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Girdner Decl. ¶ 32.</u> | <u>Objection(s):</u> Irrelevant (FRE 402). Improper Opinion Testimony (FRE 701). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |

1 **II. OBJECTIONS TO THE DECLARATION OF CHRISTOPHER**
 2 **MARSHALL IN SUPPORT OF MOTION OF COURTHOUSE NEWS**
 3 **SERVICES FOR PRELIMINARY INJUNCTION**

| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
|--|--|--|
| <u>Declaration of Christopher Marshall in Support of Motion of Courthouse News Service for Preliminary Injunction (“Marshall Decl.”), ¶ 3.</u> | <u>Objection(s):</u> Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602); Improper Opinion Testimony (FRE 701). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶ 4.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶¶ 5-7.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶¶ 8-10.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |

| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
|---|--|--|
| <u>Marshall Decl. ¶ 11.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602); Best Evidence Rule (FRE 1002). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶ 12.</u> | <u>Objection(s):</u> Best Evidence Rule (FRE 1002). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶ 13.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104); Lacks Personal Knowledge (FRE 602); Irrelevant (FRE 402). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶ 15.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶ 17.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks | <u>Sustained:</u> <input type="checkbox"/> |

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| Evidence and Text/Description Of Material Objected To | Ventura Superior Court's Objection(s) | Ruling |
|--|--|--|
| | Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602). | <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶ 18.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
| <u>Marshall Decl. ¶ 19.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602); Best Evidence Rule (FRE 1002). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |

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| <u>Marshall Decl. ¶ 20.</u> | <u>Objection(s):</u> Hearsay (FRE 802); Lacks Foundation (FRE 104; FRE 1006); Lacks Personal Knowledge (FRE 602); Best Evidence Rule (FRE 1002). | <u>Sustained:</u> <input type="checkbox"/> <u>Overruled:</u> <input type="checkbox"/> |
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IT IS SO ORDERED.

Dated: _____, 2011

Hon. Manuel L. Real
U.S. District Court Judge

LAI-3152543v1