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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
 12
 13 NORTHERN DISTRICT OF CALIFORNIA

14 THE ESTATE OF JERRY A. AMARO III;
 15 GERALDINE MONTOYA; STEPHANIE
 16 MONTOYA;

17 Plaintiffs,

18 vs.

19
 20 CITY OF OAKLAND, et al.,
 21

22 Defendants.

)
) CASE NO: C09-01019 WHA
)
) **[PROPOSED] ORDER GRANTING**
) **PLAINTIFFS LEAVE TO SERVE LT.**
) **PAUL BERLIN (RET.) WITH A**
) **DEPOSITION SUBPOENA VIA**
) **ALTERNATIVE MEANS (FEDERAL**
) **EXPRESS AND/OR CERTIFIED MAIL)**
) **AT HIS HOME ADDRESS**
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1 WHEREAS, Plaintiffs have been unable to accomplish personal, hand to hand service of
2 a subpoena for the deposition of Lt. Paul Berlin (Ret) as set forth in the declaration of reasonable
3 diligence by Legal Express because there is evidence Lt. Berlin is willfully evading service of
4 the subpoena;

5 IT IS HEREBY ORDERED THAT Plaintiffs shall have leave to serve Lt. Berlin with a
6 deposition subpoena for his deposition on November 19, 2009, at 10:00 a.m. at the Law Offices
7 of John L. Burriss through the alternative means of Federal Express and/or Certified Mail delivery
8 to the home address previously produced to Plaintiffs' counsel by the City of Oakland.

9 IT IS HEREBY FURTHER ORDERED THAT no counsel, party or employees of any
10 party shall contact Lt. Berlin to advise him in advance of any Federal Express and/or Certified
11 Mail delivery of the subpoena to his home address that the Court has entered this Order.
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15 IT IS SO ORDERED:

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17 Dated: November 13, 2009



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WILLIAM H. ALSUP
Judge of the United States District Court