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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK ALLEN,  
Plaintiff,

No. C 11-03110 WHA

v.

RADIO SHACK CORPORATION,  
Defendant.

**ORDER RE REQUEST FOR  
JUDICIAL NOTICE AND  
ERRATA (DKT. NOS. 45 AND 52)**

Plaintiff Frank Allen has filed a request for judicial notice and errata thereto in connection with his opposition to defendant Radio Shack Corporation's motion for summary judgment (Dkt. Nos. 45 and 52). Defendant has objected that judicial notice cannot be taken of "proceedings or records in another cause so as to supply, without formal introduction of evidence, facts essential to support a contention in a cause then before it." *M/V Am. Queen v. San Diego marine Constr. Corp.*, 708 F.2d 1483, 1491 (9th Cir. 1983). Plaintiff must file a sworn attorney declaration properly authenticating the documents. Plaintiff is requested to maintain the designations of exhibits as previously marked (*e.g.*, leave blank placeholders for any exhibit not filed in accordance with this order). Plaintiff's filing is due by Thursday, **DECEMBER 13 AT NOON.**

**IT IS SO ORDERED.**

Dated: December 12, 2012.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE