

1 GREGORY P. DRESSER (CA SBN 136532)  
 GDresser@mofo.com  
 2 SARAH E. GRISWOLD (CA SBN 240326)  
 SGriswold@mofo.com  
 3 MORRISON & FOERSTER LLP  
 425 Market Street  
 4 San Francisco, California 94105-2482  
 Telephone: 415.268.7000  
 5 Facsimile: 415.268.7522

6 Attorneys for Defendant  
 KOHL'S DEPARTMENT STORES, INC.  
 7 erroneously sued as "KOHLS"

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 OAKLAND DIVISION

12 KAMLESH BANGA,

13 Plaintiff,

14 v.

15 EXPERIAN INFORMATION SOLUTIONS;  
 KOHLS; FIRST USA, NA, and Does 1 through  
 16 10 inclusive,

17 Defendants.

Case No. 4:08-cv-04147 SBA

**ORDER GRANTING  
 DEFENDANT KOHL'S  
 DEPARTMENT STORES, INC.'S  
 EVIDENTIARY OBJECTIONS  
 TO AND MOTION TO STRIKE  
 PORTIONS OF THE  
 DECLARATION OF KAMLESH  
 BANGA IN SUPPORT OF  
 PLAINTIFF'S OPPOSITION  
 DEFENDANT KOHL'S' MOTION  
 FOR SUMMARY JUDGMENT  
 AND PORTIONS OF  
 PLAINTIFF'S MEMORANDUM  
 OF POINTS AND AUTHORITIES  
 IN OPPOSITION TO KOHL'S'  
 MOTION FOR SUMMARY  
 JUDGMENT**

Date: September 22, 2009  
 Time: 1:00 p.m.  
 Crtrm: 3

Hon. Sandra B. Armstrong

Complaint Filed: August 29, 2008  
 Trial Date: November 9, 2009

1 Defendant Kohl's Department Stores, Inc. moved the Court pursuant to pursuant to Civil  
2 Local Rule 7-5(b), and ADR Local Rules 5-12 and 5-8(b) for an striking portions of the  
3 Declaration of Kamlesh Banga in Support of Plaintiff's Opposition to Defendant Kohl's' Motion  
4 for Summary Judgment, or in the Alternative, for Summary Adjudication ("Banga Declaration")  
5 and portions of Plaintiff's Memorandum of Points and Authorities in Opposition to Kohl's'  
6 Motion for Summary Judgment (Plaintiff's Opposition). Having considered all papers submitted  
7 in support of and in opposition to defendant's motion, other pleadings and papers on file herein,  
8 and the oral argument, the Court hereby GRANTS Defendant's motion. Exhibit C of the Banga  
9 Declaration is HEREBY STRICKEN. The discussion of Kohl's' Written ENE Statement in  
10 Plaintiff's Opposition is HEREBY STRICKEN. In particular, the text of Plaintiff's Opposition  
11 from page 2, line 26 to page 3, line 4 and from page 9, line 9 to page 9, line 14 is HEREBY  
12 STRICKEN. Plaintiff's Opposition shall be removed from the docket. A revised version of  
13 Plaintiff's Opposition shall be filed in which the discussion of Kohl's Written ENE Statement  
14 from page 2, line 26 to page 3, line 4 and from page 9, line 9 to page 9, line 14 is stricken.

17 IT IS SO ORDERED.

18  
19 Dated: 12/21/09

20 By:   
21 Honorable Sandra B. Armstrong  
22  
23  
24  
25  
26  
27  
28

1 UNITED STATES DISTRICT COURT  
FOR THE  
2 NORTHERN DISTRICT OF CALIFORNIA

3 BANGA et al,

4 Plaintiff,

5 v.

6 EXPERIAN INFORMATION SOLUTIONS  
7 ET AL et al,

8 Defendant.  
\_\_\_\_\_ /

10 Case Number: CV08-04147 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on December 28, 2009, I SERVED a true and correct copy(ies) of the attached, by placing  
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
17 delivery receptacle located in the Clerk's office.

18 Kamlesh Banga  
19 P.O. Box 6025  
20 Vallejo, CA 94591

21 Dated: December 28, 2009

22 Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk  
24  
25  
26  
27  
28