

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

ORACLE AMERICA, INC., a Delaware corporation,

Plaintiff,

v.

SERVICE KEY, LLC, a Georgia limited liability company; ANGELA VINES; DLT FEDERAL BUSINESS SYSTEMS CORPORATION, a Delaware corporation, and DOES 1-15,

Defendants.

No. 4:12-CV-0790 SBA (NJV)

ORDER REQUIRING DECLARATION AND RESETING HEARING ON MOTION FOR TERMINATING SANCTIONS

Pending before the Court is the Motion for Terminating Sanctions, or, in the Alternative, for an Adverse Inference Instruction, filed June 13, 2013, by Plaintiff Oracle America (“Oracle”). (Docket no. 226.) The Court finds that additional information is required for the resolution of this motion. Accordingly, Catherine Prosser, President and Chairman of the Board of DLT Federal Business Systems Corporation (“DLT-FBS”), shall personally provide a Declaration, signed under penalty of perjury, answering the following questions:

- 1) Does the person referred to as “Michael Johnson” in this litigation actually exist?
- 2) Does the person referred to as “Michael Johnson” legally use that name? If not, who used “Michael Johnson” to sign contracts and/or emails? Describe who created the alias, for what purpose, and how it was used during the period at issue in this litigation.
- 3) If Michael Johnson exists, when was he employed by DLT-FB?
- 4) If Michael Johnson exists, what was his role as an employee of DLT-FBS?

1 5) If Michael Johnson exists, but was not employed by DLT-FB, describe his connection with
2 DLT-FBS.

3 6) If Michael Johnson exists, describe why no documents were produced reflecting his
4 employment by DLT-FBS.

5 Ms. Prosser's Declaration shall be filed with the Court no later than 4:00 p.m. on July 19, 2013.

6 The hearing set for July 16, 2013, is HEREBY RESET for August 6, 2013, at 10:00. The
7 parties may appear telephonically, using the telephone number provided in the Court's prior order.

8 IT IS SO ORDERED.

9 Dated: July 11, 2013



NANDOR J. VADAS
United States Magistrate Judge

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