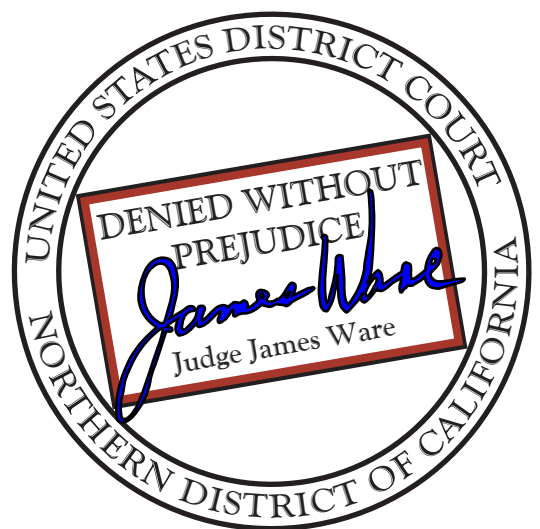


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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION


JOSEPH PADGETT and DARLA PADGETT,  
Plaintiffs,  
vs.  
BRIAN LOVENTHAL, et al.,  
Defendants.

Case No. C 04 03946 JW  
~~Proposed~~ **ORDER DENYING  
DEFENDANTS BRIAN LOVENTHAL AND  
A. CURTIS WRIGHT'S MOTION TO  
EXCLUDE PLAINTIFFS' TRIAL  
EXHIBITS**

Before this Court is defendants BRIAN LOVENTHAL and A. CURTIS WRIGHT's (hereinafter, collectively "defendants") motion for an order excluding plaintiffs' trial exhibits because plaintiffs refuse to provide copies of the documents they intend to use at trial and apparently intend to submit documents that were not disclosed during discovery.

At this eleventh hour before the trial, and Plaintiffs having no opportunity to reply to the charges contained in Defendants' Motion, the Court DENIES the Motion without prejudice to be renewed. Defendants are invited to bring to the Court's attention any particular objections re: exhibits at trial.

Dated: May 1, 2009

  
JAMES WARE  
United States District Judge