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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7 SAN JOSE DIVISION

8 James Lee Stewart, et al.,

NO. C 07-04061 JW

9 Plaintiffs,

**ORDER FOR DEFENDANT TO SECURE  
RUSTY SMITH FOR HEARING ON  
OCTOBER 18, 2010**

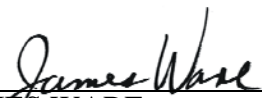
10 v.

11 Leland Stanford Junior University,

12 Defendant.  
\_\_\_\_\_ /

13 In light of the question surrounding the Declaration of Rusty Smith with respect to the  
14 Union's declination to prosecute this case, the Court ORDERS Defendant to secure Mr. Smith's  
15 presence at the October 18, 2010 hearing so that his sworn testimony may be taken for the record.

16  
17 Dated: October 14, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

Carol Capri Copsey ccopsey@gordonrees.com  
Michael Terence Lucey mlucey@gordonrees.com  
Steven Daniel Zavodnick szavodnick@verizon.net

**Dated: October 14, 2010**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**