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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 CHIN-LI MOU,
12 Plaintiff,
13 v.
14 CITY OF SAN JOSE, SAN JOSE PUBLIC
15 LIBRARY EDUCATION PARK BRANCH,
16 Defendants.

Case Number: C07-05740 JF

DECLARATION OF PLAINTIFF CHIN-LI MOU IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Date: August 28, 2009
Time: 9:00 a.m.
Courtroom: 3
Judge: Jeremy Fogel

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18
19 I, Plaintiff Chin-Li Mou, declare as follows:

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21 1. I am the Plaintiff in this action, pro se filing the COMPLAINT FOR VIOLATION OF
22 CIVIL RIGHTS, FIRST, EIGHTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION on November 13, 2007.

23 2. I was born in Taiwan on December 2, 1962 and came to the United States in July,
24 1988. In 1997 I became a U.S. citizen. Since January, 1990 I have been a resident of San Jose, California.

25 3. On November 3, 2006, I was utilizing the San Jose Public Library Education Park
26 Branch when I was confronted by the branch supervisor, I was asked to leave the
27 premises. I had been using my ex-husband's library card on the computer instead of my
28 own. I has only been in the library for about 15 minutes. Immediately prior to being asked

1 to leave, a student from a nearby high school had confronted me in the library as I had
2 asked other students that were acting in a disruptive manner to please be a little
3 considerate so others in the library could concentrate. The students were engaged in
4 everything from fighting and arm wrestling to the playing of musical instruments. I had
5 witnessed this type of conduct in the past at the San Jose Public Library Education Park
6 Branch.

7 4. The library staff would not enforce the normal rules for silence and respect for other
8 patrons with students and I left the library without argument. Once outside, I was
9 confronted by a female students from the high school who then physically attacked me.

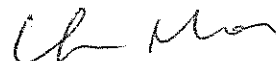
10 5. I immediately called 911 and when the San Jose police officer arrives, the high
11 school security sent the San Jose police officers away. They told them that there was in
12 fact no problem and that they could leave without the necessity of taking any lengthy
13 report.

14 6. On November 7, 2006 my attacker, the female student from the high school again
15 entered the San Jose Public Library Education Park Branch. I feared for my safety and
16 immediately called San Jose police officers. Upon their arrival, the branch supervisor,
17 deliberately stated to the investigating officers that nothing had happened with the
18 students from the high school. When the officers returned to interview me their first
19 statement was that the students from the high school were born in this country and since I
20 was not fortunate enough to be born here my rights were subordinated to their rights.

21 7. I was further admonished by higher-level management of San Jose Martin Luther
22 King Library Branch that I had to get permission from the Library before I could summon
23 the police for help. I was then banned by both librarians from using the public library
24 system for a period of 6 months just for trying to protect myself by calling the police.

25 8. At no time did I engage in loud or boisterous conduct in the library facilities or on the
26 library grounds. I never interfered with the use of library facilities by patrons or city staff.

27 I declared under penalty and perjury under the laws of the State of California that the
28 foregoing is true and correct and that this declaration was executed on August 10, 2009,
at San Jose, California.



Chin-Li Mou

PROOF OF SERVICE

CASE NAME: Mou v. City of San Jose, et al.

CASE NO.: C07-05740 RS

I, the undersigned declare as follows:

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred.

On August 10, 2009 I caused to be served the within:

PLAINTIFF'S OPPOSITION TO DEFENDANT'S SUMMARY JUDGMENT MOTIONS

by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

by E-MAIL.

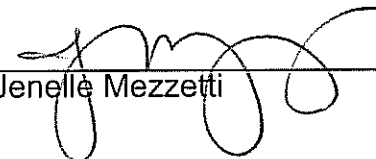
Addressed as follows:

Ms. Chin-Li Mou
4141 Boneso Circle
San Jose, CA 95134
Phone Number: (408) 954-8085
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Robert Burchfiel
Office of the City Attorney
City of San Jose
200 East Santa Clara Street
Tel: (408) 535-1938
Email: bob.burchfiel@sanjoseca.gov

In Propria Persona

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 20, 2009, at San Jose, California.



Jenelle Mezzetti