

1 Chin-Li Mou
2 4141 Boneso Circle
3 San Jose, CA 95134

4 In Propria Persona

Filed
APR 01 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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

10
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

OBJECTIONS TO BILL OF COSTS

17 **I. Introduction**

18 The court is right on the fact that plaintiff did not receive notice of the Feb. 25 order.
19 Plaintiff appreciates and thanks to the honorable Judge Fogel's kind extension and kind
20 help from Ms. Munz's. Plaintiff still does not receive Defendant's motion to award of cost
21 while she wrote this objection. Plaintiff tries diligently to contact with Mr. Burchfield, Ms.
22 McDaniel (Mr. Burchfield's assistance), and Ms. Zandate. (Ex. A) Plaintiff only received
23 one page of PDF file from Ms. Zandate (Ex. B). Plaintiff called Ms. Zandate and asked her
24 to provide the Plaintiff the whole motion and the exhibits, if any, rather than just a page.
25 Plaintiff has not received anything from her yet. Plaintiff also calls her pro bono attorney,
26 Mr. Hogan, who told plaintiff that he did not have those documents any more. Plaintiff
27
28

1 thanks for Mr. Hogan's kindly help and advice to plaintiff to write this objection. Plaintiff
2 went to law library on March27, right after her final exam, and researched the laws.

3 **II. Review standard for objection to a bill of costs**

4 On timely objection (Ex. C) to a bill of costs, the district court must make a de novo
5 determination of the costs issue.

6 **III. Arguments**

7 The court's granting defendant's summary judgment due to The 11th Amendment
8 immunity, a mistake many pro se litigants made or will make, made defendant a prevailing
9 party. However, this lawsuit was not a trivial lawsuit, especially when police officers made
10 decision not to give plaintiff justice because plaintiff was not born in the United States.
11 Plaintiff was a naturalized United States citizen at that time.

12 **A. PLAINTIFF'S INDIGENCE SHOULD PROPERLY CONSIDERED**

13 Most circuits hold that a substantiated claim of the losing party's indigence may justify
14 a reduction or denial of costs to the prevailing party. See *Association of Mexican-Am.*
15 *Educators v. California*, 231 F.3d 572, 592-593 (9th Cir. 2000) (*en bane*) (in civil-rights
16 case, district court properly considered following factors in denying costs to prevailing
17 defendants: **case involved issues of substantial public importance; there was great**
18 **economic disparity between plaintiffs, who Were individuals** and small nonprofit
19 corporations, and defendant State of California; issues in case were close and difficult;
20 and plaintiffs' case, although unsuccessful, had some merit). In *Mou v. San Jose City*
21 (Education park library branch), the case is a civil right violation. The police and the head
22 of the library conspired together to violate Plaintiff's civil rights and threatened her not to
23 call police even after someone had threatened and beaten her up due to the fact that Mou
24 was not born in the United States and spoke with an accent. However, she was a legal
25 immigrated citizen who follows every law and files tax return since 1992, as she became a
26 green card holder, without even spending any public fund or education (K through 12).
27 Santa Clara County is a much diversified community and there are many high tech
28 professionals with an advanced degree who speak with accent and contribute to the

1 prosperity of the economy. The U. S. Constitution states equal protection and equal rights
2 for naturalized citizens. The police officers and library staff should not base on plaintiff's
3 accent, judge that she was not born in the U.S, and then decide to take away her rights.
4 Mou was discriminated against by them. Therefore, this case involved issues of
5 substantial public importance.

6 In addition, in *Stanley v. University of S. Cal.*, 178 F.3d 1069, 1079-1080 (9th
7 Cir.1999) (in deciding whether to award costs to prevailing defendant in civil-rights case,
8 district court should consider financial resources of plaintiff, amount of costs, and whether
9 payment of cost award would render plaintiff indigent). Plaintiff, as an indigent person,
10 does not have any income and does not have the ability to pay. Plaintiff respectfully asks
11 the court to relief her from this burden as indigence properly considered also in case
12 *Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126 F.3d 926,. '944-945 (7th Cir. 1997) (district
13 court may deny costs to prevailing party if losing party is unable to pay); *Badillo v. Central*
14 *Steel & Wire Co.*, 717 F.2d 1160, 1165 (7th Cir. 1983) (indigence of losing party is
15 properly considered in granting or denying taxable costs).

16 Therefore, the court should grant the relief to Mou from the bill of costs due to Mou's
17 unable to pay, as an indigent pro se plaintiff, and as this case involved issues of
18 substance public importance.

19 **B. PER FED. R.CIV. P. 37(A)- (D), FEDERAL COURTS PERMIT AWARD OF**
20 **COSTS AGAINST A PARTY WHO VIOLATED THE DISCOVERY RULES**
21 **SUCH AS FAILING TO COOPERATE IN DISCOVERY**

22 The court should award costs against defendant because defendants' attorneys failed
23 to cooperate in discovery. (Ex. D) Burchfiel, as a city attorney and with the support of a
24 team of city attorneys, should clearly know "meet and confer" as a must to start a
25 discovery process for cases filed to the federal courts. Plaintiff believes that with a meet
26 and confer meeting, the future discovery process will become more systematic and
27 smooth. Plaintiff, as a per se litigant at the beginning of this case, took great efforts to
28 learn and follow the laws. Plaintiff worked very hard to communicate to Burchfiel by
emails. However, she only found out that Burchfiel has intentionally lied to the court and

1 refused to follow the laws. Plaintiff had no choice but to ask the court to enforce him to
2 follow the rules. Consequently, the Court ordered the defendants to meet and confer
3 within certain dates; during that period, Mr. Burchied was on vacation and another city
4 attorney to met and confer with Mou. However, she came with an attitude that Mou was
5 the one who violated discovery process. Mou had, in good faith and in patience, to explain
6 and communicate with her. Mou should not have spent this extra time and efforts because
7 of Mr. Burchfiel's lies, misleading statements, and misrepresentation. Subsequently, the
8 Court should award against a party who violated the discovery rules such as failing to
9 cooperate in discovery, according to *Fed.R.Civ. P. 37(a) - (d)*.

10
11 **C. THE COURT MAY TAX COST AGAINST PREVAILING PARTY DUE TO
PREVAILING PARTY'S MISCONDUCT**

12 Mr. Burchfiel's intentional lies and misrepresentation are serious violations of, including
13 but not limited to, California Bar Associated Rules of Professional Conduct, State Bar Act,
14 and Business Professional Conduct. In addition, the police officers and the staff of library
15 at educational park branch conspiring together have violated Mou's Civil Rights to the fact
16 that she was discriminated because she spoke with an accent and was not born in the
17 United States. However, the United States Constitution states equal rights and protection
18 to naturalized citizens. Without proper punishment and/or penalty imposed upon
19 defendants, it would be unfair and a violation of equal protection and due process for
20 those government entities and staff such as the court and its staff who diligently maintain
21 the justice system. Furthermore, without proper penalty upon defendants, the police and
22 Education park staff will not correct their behaviors and will abuse their power by violating
23 other patrons' civil rights again and again because they know Mr. Burchfiel will always help
24 them to bully, abuse, and get rid of any patron. But, those bullies seem to forget that their
25 responsibilities are to provide proper service to the patrons, not to bully and abuse them in
26 the public library.

27 In addition, costs may be denied or limited under the following circumstances:

- 28
 - *If the costs were unreasonably incurred or unnecessary to the case*

- 1 • If the "prevailing" party did not actually prevail, such as when a defendant
2 obtains a dismissal of an action by admitting liability and settling the plaintiff's
3 claim
- 4 • If the prevailing party is guilty of some misconduct in the action (some authority
5 goes beyond that rule, however, noting that the denial of costs is effectively a
6 penalty and that costs may be denied only when the prevailing party is guilty of
7 some fault, misconduct, or default worthy of punishment). However, the district
8 court's disapproval of a prevailing defendant's extrajudicial conduct on which the
9 plaintiff's claim was based is not a sufficient basis for denying costs to the
10 prevailing defendant.
- 11 • If a bill of costs is not filed within the time permitted by court order or by local
12 rule.

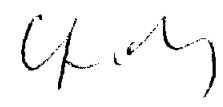
13 In case *Association of Mexican-Am. Educators v. California*, 231 F.3d 572, 592-593
14 (9th Cir. 2000) (*en bane*) (misconduct of prevailing party is not only basis on which district
15 court may deny costs to, prevailing party; disapproving contrary prior circuit precedent).
16 In case *Cf Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126 F.3d 926, 944-945 (7th Cir.
17 1997) (generally, district court must award costs to prevailing party unless (1) prevailing
18 party has engaged in misconduct worthy of penalty, or (2) losing party is unable to pay
19 costs); *Congregation of the Passion v. Touche, Ross & Co.*, 854 F.2d 219, 222 (7th Cir.
20 1988) (generally, only misconduct by prevailing party worthy of penalty or inability to pay
21 will justify denial of costs to prevailing party). Fault of prevailing party required for denial of
22 costs in *Smith v. Southeastern Pa. Transp.Auth.*, 47 F.3d 97, 99-100 (3d Cir. 1995) (*per*
23 *curiam*) (prevailing party entitled to costs unless award would be inequitable based on
24 conduct of prevailing party). Therefore, the court should tax cost against prevailing party
25 due to defendants' misconducts in the action and/or defendants' attorney's misconducts
26 found.

27 IV. Summary

28 Therefore, the court should relief Mou from bill of cost due to her inability to pay.
According to *Fed. R. Civ. P. 37(a)-(d)*, the court should permit award of costs against the
prevailing party due to Mr. Burchfiel failure to cooperate and intentionally lied to the court
and the judge. Third, the court should tax cost against prevailing party due to defendants'
and/or Mr. Burchfiel misconducts.

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Dated: April 1, 2010



Chin-Li Mou
In Propria Persona

Exhibit A.

Delivery Status Notification (Delay)

From: **postmaster@mail.hotmail.com**
Sent: Wed 3/24/10 12:58 PM
To: cmou@hotmail.com
Attachments:
ATT00001 (0.3 KB), award of costs.mht (2.0 KB)

This is an automatically generated Delivery Status Notification.

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipients has been delayed.

bob.burchfiel@sanjoseca.gov

--Forwarded Message Attachment--

From: cmou@hotmail.com
To: bob.burchfiel@sanjoseca.gov
CC: cmou@hotmail.com
Subject: award of costs
Date: Wed, 24 Mar 2010 00:56:49 +0000

Mr. Burchfiel,

Could you email the motion you file for award of costs?

I did not have any copy so far. I'm still in the middle of final exams and work on that once I'm done with final exams.

thanks!

Karen

Hotmail: Trusted email with powerful SPAM protection. [Sign up now.](#)

Out of Office AutoReply: Mou V. SJ Education park library

From: **McDaniel, Cecilia** (Cecilia.McDaniel@sanjoseca.gov)
Sent: Fri 3/26/10 5:10 AM
To: chin-li mou (cmou@hotmail.com)

I am out on maternity leave and will not return until 5/17/10. Amie Zandate will be covering for me while I am out. You can reach Amie via e-mail at amie.zandate@sanjoseca.gov or via phone at 408-535-1934.

FW: Mou V. sJ Education park library

From: chin-li mou (cmou@hotmail.com)
Sent: Sat 3/27/10 11:55 PM
To: amie.zandate@sanjoseca.gov
Cc: cmou@hotmail.com

Attachments:
ATT00001 (0.5 KB), award of costs.mht (2.0 KB)

Hi,

Could you please read the following email and help.
thanks in advance!!

Chin_Li Mou

From: cmou@hotmail.com
To: cecilia.mcdaniel@sanjoseca.gov
CC: cmou@hotmail.com
Subject: Mou V. sJ Education park library
Date: Wed, 24 Mar 2010 15:41:25 +0000

Ms. Mcdaniel,

I tried to email Mr. Burchfiel; however, I got a return email. Could you please help by email me the motion to award costs and thanks in advance

Chin_Li Mou

From: postmaster@mail.hotmail.com
To: cmou@hotmail.com
Date: Wed, 24 Mar 2010 05:58:34 -0700
Subject: Delivery Status Notification (Delay)

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Karen

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The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

--Forwarded Message Attachment--

From: cmou@hotmail.com

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CC: cmou@hotmail.com

Subject: award of costs

Date: Wed, 24 Mar 2010 00:56:49 +0000

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Subject: award of costs

Date: Wed, 24 Mar 2010 00:56:49 +0000

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thanks!

Karen

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Exhib B

RE: Mou V. sJ Education park library

From: Zandate, Amie (Amie.Zandate@sanjoseca.gov)
Sent: Mon 3/29/10 4:33 PM
To: chin-li mou (cmou@hotmail.com)
Attachments:
600939.pdf (697.0 KB)

From: chin-li mou [mailto:cmou@hotmail.com]
Sent: Saturday, March 27, 2010 4:56 PM
To: Zandate, Amie
Cc: cmou@hotmail.com
Subject: FW: Mou V. sJ Education park library

Hi,

Could you please read the following email and help.
thanks in advance!!

Chin_Li Mou

From: cmou@hotmail.com
To: cecilia.mcdaniel@sanjoseca.gov
CC: cmou@hotmail.com
Subject: Mou V. sJ Education park library
Date: Wed, 24 Mar 2010 15:41:25 +0000

Ms. Mcdaniel,

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Date: Wed, 24 Mar 2010 00:56:49 +0000

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Karen

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CC: cmou@hotmail.com
Subject: award of costs
Date: Wed, 24 Mar 2010 00:56:49 +0000

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AO 133 (Rev. 06/09) Bill of Costs

UNITED STATES DISTRICT COURT

for the

Northern District of California

CHIN-LI MOU

v.

CITY OF SAN JOSE, SAN JOSE PUBLIC LIBRARY EDUCATION PARK BRANCH

Case No.: C07-05740 JF

BILL OF COSTS

Judgment having been entered in the above entitled action on 09/29/2009 against Plaintiff, the Clerk is requested to tax the following as costs:

Table with 2 columns: Description of costs and Amount. Rows include Fees of the Clerk, Fees for service of summons and subpoena, Fees for printed or electronically recorded transcripts, Fees and disbursements for printing, Fees for witnesses (itemize on page two), Fees for exemplification and the costs of making copies, Docket fees under 28 U.S.C. 1923, Costs as shown on Mandate of Court of Appeals, Compensation of court-appointed experts, Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828, and Other costs (please itemize). Total amount is \$1029.90.

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- Electronic service (checked)
First class mail, postage prepaid (unchecked)
Other: (unchecked)

s/ Attorney: [Signature]
Name of Attorney: ROBERT BURCHFIEL

For: CITY OF SAN JOSE
Name of Claiming Party
Date: 10/8/09

Taxation of Costs

Costs are taxed in the amount of \$1029.90 and included in the judgment.
Richard Wlesking, Clerk of Court
Sandy Morris, Deputy Clerk
Date: 10/22/09

Exhibit C.

Re: Mou V San Jose public library - education park

From: **Diana_Munz@cand.uscourts.gov**
Sent: Mon 3/22/10 11:36 PM
To: chin-li mou (cmou@hotmail.com)
Cc: CAO.main@sanjoseca.gov

Hi Ms. Mou, Judge Fogel has approved your request. Diana

chin-li mou
<cmou@hotmail.com>
> To
Diana Munz
03/22/2010 10:31 <diana_munz@cand.uscourts.gov>
AM cc
<cmou@hotmail.com>
Subject
Mou V San Jose public library -
education park

Ms. Munz.

I just received Judge Fogel's order over this weekend. Judge Fogel indicated in his order I could write an objection before Mar 19. However, I did not received this order until the past weekend (March 20). Could you be so kind to ask extension for me until April 2 by 5:00pm, please.

I just recovered from a fever 104 F, and my blood pressure problem and depression are really serious problem during winter and spring. This is a final exams week at De Anza college. Please see website at De Anza college:

Final Exams March 22-26

<http://www.deanza.edu/calendar/>
Please advise and thanks in advance !!

Chin_Li Mou

Hotmail: Trusted email with powerful SPAM protection. Sign up now.

From: chin-li mou [mailto:cmou@hotmail.com]
Sent: Tuesday, July 22, 2008 10:20 AM
To: bob.burchfiel@sanjoseca.go; McDaniel, Cecilia
Subject:

Mr. Burchfiel,

I have received the documents sent by you late last week. As far as rules are concerned, I believe that each discovery has 30 days to respond. You sent me two discovery documents, and that I believe I have up to 60 days to complete them and then send them back to you.

That being said, I will be busy with completing these documents into September, I cannot make the schedule for the deposition in August, as you propose.

If you have any further question, please feel free to contact me.

Best regards,

Chin-Li Mou

Use video conversation to talk face-to-face with Windows Live Messenger. [Get started.](#)

Stay in touch when you're away with Windows Live Messenger. [IM anytime you're online.](#)

RE: My second letter to Mr. Burchfiel regarding to his violation of Discovery rule

From: Burchfiel, Bob (Bob.Burchfiel@sanjoseca.gov)
Sent: Wed 7/23/08 6:42 PM
To: 'chin-li mou' (cmou@hotmail.com)

Having just finished our telephone call of this date, I will confirm my statement that you have failed to follow the courts' order on the deadline of early July for your initial disclosure as stated in my prior letter. If you also fail to respond to the discovery served upon you in the legal time limit, I will be forced to move the court for an additional order to comply and request sanctions of fees and costs. This will also be the case if you fail to attend your noticed deposition on July 27th unless we have agreed on a date and time before July 29th for rescheduling. You had Mr. Kallis as your attorney in this matter before litigation and I suggest you contact him for advise on these discovery issues before the deadlines have past. Please contact me if you have constructive questions or input.

From: chin-li mou [mailto:cmou@hotmail.com]
Sent: Tuesday, July 22, 2008 5:54 PM
To: Burchfiel, Bob; Cedlia McDaniel
Cc: cmou@hotmail.com
Subject: My second letter to Mr. Burchfiel regarding to his violation of Discovery rule

Robert Burchfiel

Office of the City Attorney

200 East Santa Clara Street

San Jose , CA 95113

July 22, 2008

Dear Mr. Burchfiel:

I have received a set of discovery documentation from you last week, meaning that you want to start the discovery process.

Pursuant to Federal Rule 26(f)(2), "The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan." I tried to e-mail you and communicated with you, but you refused to confer. In addition, you insulted me by saying "Your lack of legal knowledge will not hinder the advancement of this litigation." This is my second times trying to communicate with you to set up a Rule 26(f)

meet and confer. I suggest that we meet after the case conference meeting in Aug. After Discovery conference meeting, the initial disclosure due within 10 days. By the way, your initial disclosure was not completed. While rule 26 (a) (1) (d) doesn't apply to me, it might apply to you. You might want to look into this.

Furthermore, to facilitate the entire discovery process, Rule 26(f) of the Federal Rules of Civil Procedure mandates that the parties confer as soon as possible to accomplish a number of specified tasks, including the development of a discovery plan.

That being said, as I have worked hard in trying to confer with you for discovery plan to no avail, and since we write separate case management statement, I believe that you can not start the discovery plan until we reach agreement in this regard according to Federal code of civil procedure. Should you choose not to follow Federal Rule of Civil Procedure, I'll have no choice but to write a letter to the Judge for a court order. After that I might file a complaint to California Bar Association.

Should you have any additional questions or comment in this regard, please feel free to contact me.

Sincerely,

Chin-Li Mou

cmou@hotmail.com

From: Bob.Burchfiel@sanjoseca.gov
To: cmou@hotmail.com
Subject: RE:
Date: Tue, 22 Jul 2008 13:48:58 -0700

Responses to ALL discovery sent to you are to be returned within 30 days and you are still under legal notice to attend your deposition on Aug. 27th, 2008. If you request another date for your deposition before Aug. 29th, 2008, I will consider that request once the alternative date and time for your deposition before Aug. 29th is suggested by you in written form (e-mail or letter). Your lack of legal knowledge will not hinder the advancement of this litigation.

If you have any additional question, please contact me.

RE: My second letter to Mr. Burchfiel regarding to his violation ofDiscovery rule

From: **chin-li mou** (cmou@hotmail.com)
Sent: Wed 7/23/08 6:47 PM
To: Burchfiel, Bob (bob.burchfiel@sanjoseca.gov)

I was not late for disclosure because I didn't consent to do a early discovery.
I did wrote a letter to asked judge and haven't received response from that matter. It sounds like you refused to follow the civil rule. Well I just have to do what I have to do.
karen

From: Bob.Burchfiel@sanjoseca.gov
To: cmou@hotmail.com
Subject: RE: My second letter to Mr. Burchfiel regarding to his violation ofDiscovery rule
Date: Wed, 23 Jul 2008 11:42:14 -0700

Having just finished our telephone call of this date, I will confirm my statement that you have failed to follow the courts' order on the deadline of early July for your initial disclosure as stated in my prior letter. If you also fail to respond to the discovery served upon you in the legal time limit, I will be forced to move the court for an additional order to comply and request sanctions of fees and costs. This will also be the case if you fail to attend your noticed deposition on July 27th unless we have agreed on a date and time before July 29th for rescheduling. You had Mr. Kallis as your attorney in this matter before litigation and I suggest you contact him for advise on these discovery issues before the deadlines have past.
Please contact me if you have constructive questions or input.

From: chin-li mou [mailto:cmou@hotmail.com]
Sent: Tuesday, July 22, 2008 5:54 PM
To: Burchfiel, Bob; Cecilia McDaniel
Cc: cmou@hotmail.com
Subject: My second letter to Mr. Burchfiel regarding to his violation ofDiscovery rule

Robert Burchfiel

Office of the City Attorney

200 East Santa Clara Street

San Jose , CA 95113

July 22, 2008

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Should you have any additional questions or comment in this regard, please feel free to contact me.

Sincerely,

Chin-Li Mou

cmou@hotmail.com

Exhibit D

From: Bob.Burchfiel@sanjoseca.gov
To: cmou@hotmail.com
Subject: RE:
Date: Tue, 22 Jul 2008 13:48:58 -0700

Responses to ALL discovery sent to you are to be returned within 30 days and you are still under legal notice to attend your deposition on Aug. 27th, 2008. If you request another date for your deposition before Aug. 29th, 2008, I will consider that request once the alternative date and time for your deposition before Aug. 29th is suggested by you in written form (e-mail or letter). Your lack of legal knowledge will not hinder the advancement of this litigation.

If you have any additional question, please contact me.

From: chin-li mou [mailto:cmou@hotmail.com]
Sent: Tuesday, July 22, 2008 10:20 AM
To: bob.burchfiel@sanjoseca.go; McDaniel, Cecilia
Subject:

Mr. Burchfiel,

I have received the documents sent by you late last week. As far as rules are concerned, I believe that each discovery has 30 days to respond. You sent me two discovery documents, and that I believe I have up to 60 days to complete them and then send them back to you.

That being said, I will be busy with completing these documents into September, I cannot make the schedule for the deposition in August, as you propose.

If you have any further question, please feel free to contact me.

Best regards,

Chin-Li Mou

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RE: Mou v. city of San Jose

From: **chin-li mou** (cmou@hotmail.com)
Sent: Mon 8/18/08 9:24 PM
To: Burchfiel, Bob (bob.burchfiel@sanjoseca.gov)
Cc: cmou@hotmail.com

As i repeat many times, I'm going to follow Federal Code(Rule) of Civil Procedure.
If you want to violate a Federal law, I'll have court to sanction you.
I will NOT pay any of your fees result from your violation of the law or your faults.
Oh , I guess you are white, so you are above the law-- you are superior than all the non-white people. I'm just a Asian woman, and i plan to obey the law. Although i don't know every law, I would like to learn and obey them. I'm sorry I can't listen to you if you want me to violate a law since you are above the law; i'm not.

Chin_Li

From: Bob.Burchfiel@sanjoseca.gov
To: cmou@hotmail.com
Subject: Mou v. city of San Jose
Date: Mon, 18 Aug 2008 11:37:17 -0700

Please confirm if you are attending your noticed deposition on Aug. 27th, 2008 at 10:00 AM in this office or in the alternative, state the reason for not complying. There is a cost for having a court reporter present and I need to give 72 hrs prior notice for a no-cost cancellation. If you do not attend without giving notice, I will expect you to pay the court reporter's cancellation fee. Thanks you for your anticipated attention to this matter.

NOTICE TO RECIPIENT: This communication is intended **only** for the person to whom it is addressed, and may be protected by law. If you receive this in error, any review, use, dissemination, distribution, or copying is strictly prohibited. Please notify us immediately of the error and delete this communication and any attached documents from your system. Thank you for your cooperation

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RE: Mou v. city of San Jose

From: chin-li mou (cmou@hotmail.com)
Sent: Mon 8/18/08 9:44 PM
To: Burchfiel, Bob (bob.burchfiel@sanjoseca.gov)
Cc:
cmou@hotmail.com

As i state many times, discovery shall not begin without a meet and confer according to Rule 26(f).

From: Bob.Burchfiel@sanjoseca.gov
To: cmou@hotmail.com
Subject: Mou v. city of San Jose
Date: Mon, 18 Aug 2008 11:37:17 -0700

Please confirm if you are attending your noticed deposition on Aug. 27th, 2008 at 10:00 AM in this office or in the alternative, state the reason for not complying. There is a cost for having a court reporter present and I need to give 72 hrs prior notice for a no-cost cancellation. If you do not attend without giving notice, I will expect you to pay the court reporter's cancellation fee. Thanks you for your anticipated attention to this matter.

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