

1 MARY DRYOVAGE, CSBN 112551
 2 Law Offices of Mary Dryovage
 240 Stockton Street, 9th Floor
 San Francisco, CA 94108
 Telephone: (415) 956-1360 Ext 321
 Facsimile: (415) 487-2646

4 Attorney for Plaintiff

6 IN THE UNITED STATES DISTRICT COURT
 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 8 SAN FRANCISCO DIVISION

10 CHERYL A. KOEL,)
 11 Plaintiff,)
 12 v.)
 13 JOHN ASHCROFT, U.S. ATTORNEY)
 GENERAL, U.S. DEPARTMENT OF)
 JUSTICE,)
 15 Defendant.)

No. C 02-01289 EDL

**DECLARATION OF COUNSEL IN
 SUPPORT OF PLAINTIFF'S
 OPPOSITION TO DEFENDANT'S
 MOTION TO REQUIRE PLAINTIFF
 TO DESIGNATE AND PAY FOR
 TRIAL TRANSCRIPT**

Date: May 4, 2004
 Time: 2:00 p.m.
 Courtroom: E

16 I, Mary Dryovage, hereby declare:

- 17 1. I represent the plaintiff in the above-entitled action. I make this declaration in support of
 18 plaintiffs' opposition to defendant's Motion to Require Plaintiff to Designate and Pay for Trial
 19 Transcript.
 20 2. I am a member in good standing of the State Bar of California, the U.S. Supreme Court,
 21 the Court of Appeals for the Ninth Circuit and admitted to practice in this court.
 22 3. I have read the memorandum of points and authorities in opposition to the defendant's
 23 Motion to Require Plaintiff to Designate and Pay for Trial Transcript and have personal
 24 knowledge of the facts stated therein. If called to testify under oath, I could do so truthfully and
 25 competently.
 26 4. Attached hereto as Exhibit 1 is a true and exact copy of the first letter which was faxed
 27 and emailed to Joseph Maloney from Mary Dryovage, dated March 16, 2004.
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1 5. Attached hereto as Exhibit 2 is a true and exact copy of the second letter which was
2 faxed and emailed to Joseph Maloney from Mary Dryovage, dated March 16, 2004.

3 6. At no time did the undersigned receive any response to the letter requesting that Mr.
4 Maloney specify which portions of the trial transcript were necessary to the appeal.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed at
6 Evergreen, Colorado, this 14th day of April, 2004.

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/s/

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MARY DRYOVAGE

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Attorney for Plaintiff

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 CHERYL A. KOEL,
4 Plaintiff,

No. C 02-01289 EDL

5 v.

CERTIFICATE OF SERVICE

6 JOHN ASHCROFT, U.S. ATTORNEY
7 GENERAL,

8 Defendant.

9 I am a citizen of the United States and have an office in the County of San Francisco; I
10 am over the age of eighteen years and not a party to the above-entitled action; my business
11 address is 240 Stockton Street, 9th Floor, San Francisco, CA 94108.

12 On April 14, 2004, I served the within **PLAINTIFF'S OPPOSITION TO**
13 **DEFENDANT'S MOTION TO REQUIRE PLAINTIFF TO DESIGNATE AND PAY FOR**
14 **TRIAL TRANSCRIPT; DECLARATION OF COUNSEL IN SUPPORT OF**
15 **PLAINTIFF'S OPPOSITION and PROPOSED ORDER** on the parties in said action by e-
16 mailing it to the following address:

17 Joseph Maloney
18 Assistant U.S. Attorney
19 Civil Division
20 Sacramento, CA
501 "P" Street, Suite 10-100
Sacramento, CA 95814

Via fax: 916 554-2900
and via email: josephmaloney@usdoj.gov

21 I declare under penalty of perjury that the foregoing is true and correct and was executed
22 on April 14, 2004, at Evergreen, Colorado.

23
24 /s/

25 _____
26 MARY DRYOVAGE
27
28

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7 Attorneys for Plaintiff

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

11 CHERYL KOEL,

12 Plaintiff,

13 v.

14 JOHN ASHCROFT, U.S. ATTORNEY
15 GENERAL, U.S. DEPARTMENT OF
16 JUSTICE,

17 Defendant.

No. C 02-01289 EDL

**[Proposed] ORDER RE: PAYMENT OF
TRIAL TRANSCRIPT**

18 Defendant's Motion to Require Plaintiff to Designate and Pay for Trial Transcript having
19 been filed on April 1, 2004 and Plaintiff's Objections to same having been filed on April 14,
20 2004, the Court having considered the papers and the entire record herein filed herein by the
21 parties hereto, the court finds as follows:

22 Defendant's Motion to Require Plaintiff to Designate and Pay for Trial Transcript is
23 denied. Defendant shall designate the portions of the Trial Transcript which are necessary to the
24 appeal and shall make arrangements with the court reporter to pay for ½ of the cost of
25 preparation.

26 IT IS SO ORDERED.

27 DATED:

28 ELIZABETH D. LAPORTE
UNITED STATES MAGISTRATE JUDGE