

EXHIBIT D

1 MICHAEL P. MURPHY, COUNTY COUNSEL (SBN 83887)
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5 Attorneys for Defendants
6 COUNTY OF SAN MATEO, NEIL CULLEN,
BRIAN LEE, and DAVID WEIDNER
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 MICHAEL TOSCHI, AND TRACY TOSCHI

12 Plaintiffs,

13 vs.

14 COUNTY OF SAN MATEO, DON DALLIMONTI,
15 RHONDA DALLIMONTI, NEIL CULLEN, BRIAN
LEE, DAVID WEIDNER, and DOES ONE through
16 FIFTY, inclusive

17 Defendants.

Case No. C-07-3625 MMC


**NOTICE OF DEPOSITION OF TRACY
TOSCHI**

18
19 **TO PLAINTIFF TRACY TOSCHI AND HER ATTORNEYS OF RECORD:**

20 PLEASE TAKE NOTICE that on **Wednesday, September 17, 2008, at 9:30 a.m.** at the law
21 office of **SAN MATEO COUNTY COUNSEL**, 400 County Center, Sixth Floor, Redwood City,
22 California 94063, Deputy County Counsel, V. Raymond Swope III, counsel for defendants, Defendants
23 COUNTY OF SAN MATEO, NEIL CULLEN AND DAVID WEIDNER will take the oral depositions
24 of Plaintiff TRACY TOSCHI, before a Notary Public authorized to administer oaths in the State of
25 California who is present at the specified time and place. The deposition will continue day to day, until
26 completed, on behalf of the aforesaid Defendants.
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1 Dated: September 5, 2008

MICHAEL P. MURPHY, COUNTY COUNSEL

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3 By: 
4 V. Raymond Swope III, Deputy

5 Attorneys for Defendants
6 COUNTY OF SAN MATEO, NEIL CULLEN,
7 BRIAN LEE, and DAVID WEIDNER

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6 COUNTY OF SAN MATEO, NEIL CULLEN,
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 MICHAEL TOSCHI, AND TRACY TOSCHI

12 Plaintiffs,

13 vs.

14 COUNTY OF SAN MATEO, DON DALLIMONTI,
15 RHONDA DALLIMONTI, NEIL CULLEN, BRIAN
LEE, DAVID WEIDNER, and DOES ONE through
16 FIFTY, inclusive

17 Defendants.

Case No. C-07-3625 MMC

**NOTICE OF DEPOSITION OF MICHAEL
TOSCHI**

18
19 **TO PLAINTIFF MICHAEL TOSCHI AND HIS ATTORNEYS OF RECORD:**

20 PLEASE TAKE NOTICE that on **Tuesday, September 16, 2008, at 9:30 a.m.** at the law office
21 of **SAN MATEO COUNTY COUNSEL**, 400 County Center, Sixth Floor, Redwood City, California
22 94063, Deputy County Counsel, V. Raymond Swope III, counsel for defendants, Defendants COUNTY
23 OF SAN MATEO, NEIL CULLEN AND DAVID WEIDNER will take the oral depositions of Plaintiff
24 MICHAEL TOSCHI, before a Notary Public authorized to administer oaths in the State of California
25 who is present at the specified time and place. The deposition will continue day to day, until completed,
26 on behalf of the aforesaid Defendants.
27
28

1 Dated: September 5, 2008

MICHAEL P. MURPHY, COUNTY COUNSEL

2
3 By 
4 V. Raymond Swope III, Deputy

5 Attorneys for Defendants
6 COUNTY OF SAN MATEO, NEIL CULLEN,
7 BRIAN LEE, and DAVID WEIDNER

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1 **PROOF OF SERVICE**

2 I do hereby declare that I am a citizen of the United States employed in the County of San
3 Mateo, over 18 years old and that my business address is 400 County Center, Redwood City, California.
4 I am not a party to the within action.

5 On September 5, 2008, I served the following document(s):

- 6 **1. NOTICE OF DEPOSITION OF MICHAEL TOSCHI**
2. NOTICE OF DEPOSITION OF TRACY TOSCHI

7 on all other parties to this action by placing a true copy of said document(s) in a sealed envelope in the
8 following manner:

9 (BY U.S. MAIL) by placing a true copy of said document(s) in a sealed envelope(s) addressed as
10 shown below for collection and mailing at Redwood City, California following our ordinary
11 business practices. I am readily familiar with this office's practice for collecting and processing
12 correspondence for mailing. On the same day that correspondence is placed for collection and
13 mailing, it is deposited in the ordinary course of business with the United States Postal Service in a
14 sealed envelope with postage fully prepaid.

15 (BY OVERNIGHT DELIVERY) by placing a true copy of said document(s) in a sealed
16 envelope(s) addressed as shown below for collection and delivery by an overnight delivery carrier
17 with delivery fees paid or provided for in accordance with this office's practice. I am readily
18 familiar with this office's practice for processing correspondence for delivery the following day by
19 an overnight delivery carrier.

20 (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of
21 the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent
22 to the persons at the e-mail address shown below. I did not receive, within a reasonable time after
23 the transmission, any electronic message or other indication that the transmission was unsuccessful.

24 (BY FACSIMILE TRANSMISSION) I caused such document(s) to be telefaxed to the addressee(s)
25 and number(s) shown below, wherein such telefax is transmitted that same day in the ordinary
26 course of business.

27 (BY PERSONAL SERVICE) I caused such envelope(s) to be hand-delivered to the addressee(s)
28 shown below. A proof of service signed by the authorized courier will be filed forthwith.

(STATE) I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the Bar of this Court
at whose direction the service was made.

26 
27 _____
28 ALISON LIHALAKHA

2 **SERVICE LIST**

3 **Brian Gearinger**

4 Gearinger Law Group
5 825 Van Ness Avenue , 4th Floor
6 San Francisco, CA 94109
7 415-440-3175
8 Fax: 415-440-3103
9 Email: brian@gearingerlaw.com
10 *LEAD ATTORNEY*
11 *ATTORNEY TO BE NOTICED*

ATTORNEYS FOR PLAINTIFFS:
Michael & Tracy Toschi

8 **John Houston Scott**

9 **Lizabeth N. de Vries**
10 The Scott Law Firm
11 1375 Sutter Street, Suite 222
12 San Francisco, CA 94109
13 415-561-9600
14 Fax: 415-561-9609
15 Email: tposey@lawjhs.com
16 *LEAD ATTORNEY*
17 *ATTORNEY TO BE NOTICED*

14 **Lisa J. Cummins**

15 **J. Michael Fitzsimmons**
16 Campbell Warburton Fitzsimmons et al
17 64 W. Santa Clara Street
18 San Jose, CA 95113
19 408-295-7701
20 Fax: 408-295-1423
21 Email: lcummins@campbellwarburton.com
22 *LEAD ATTORNEY*
23 *ATTORNEY TO BE NOTICED*

ATTORNEYS FOR DEFENDANTS:
Don & Rhonda Dallimonti

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