| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9 | NORTHERN DIST  | #93249)<br>Attorney (#152833)<br>y (#225617)<br>S DISTRICT COURT<br>RICT OF CALIFORNIA<br>SE FACILITY   |  |
|---|--|---|--|
| 11<br>12<br>13<br>14<br>15                | MERCEDES MARKER,<br>Plaintiff,<br>v.<br>CITY OF SAN JOSE and SON VU,<br>Defendants.                          | NO.: C09-05956 RMW<br>PARTIES STIPULATION AND REQUEST<br>TO STRIKE THE ORIGINAL<br>DECLARATION OF RICHARD D. NORTH<br>IN SUPPORT OF DEFENDANTS'<br>OPPOSITION TO PLAINTIFF'S MOTION<br>IN LIMINE #6 AND ATTACHMENT;<br>[PROPOSED] ORDER |  |
| 16<br>17<br>18                            |  |   |  |
| 19<br>20                                  | Plaintiff MERCEDES MARKER ("Plaintiff") and defendants CITY OF SAN JOSE                                      |   |  |
| 20<br>21                                  | and SON VU ("Defendants") (collectively the "Parties") hereby stipulate and agree as                         |   |  |
| 22  | follows:<br>(1) The copy of <u>Exhibit A</u> , sole attachment to the original Declaration of Richard        |   |  |
| 23  | D. North in Support of Defendants' Opposition to Plaintiff's Motion in Limine                                |   |  |
| 24  | #6, filed February 7, 2014 ("Original Declaration/Exhibit"), was, by   |   |  |
| 25  | inadvertence and mistake, incompletely redacted at the time of filing.                                       |   |  |
| 26  | (2) The <u>Exhibit A</u> attached to the Amended Declaration of Richard D. North in                          |   |  |
| 27  | Support of Defendants' Opposition to Plaintiff's Motion in Limine #6, filed                                  |   |  |
| 28  | PARTIES' STIP. AND REQ. TO STRIKE THE ORIG<br>RICHARD D. NORTH ISO DEFTS' OPP. TO P'S MI<br>[PROPOSED] ORDER |   |  |

| 1        |              | -   | 4 ("Amended Exhibit"), is fully redacted and       |
|----------|--------------|---|--|
| 2        |              | shall replace the Original Exh  |  |
| 3        | (3)          |   | erest in ensuring that confidential information is |
| 4        |              |   | ocuments filed with the Court and agree that       |
| 5        |              |   | quence shall result from the substitution of the   |
| 6        |              |   | hibit for the Original Declaration and Exhibit.    |
| 7        | (4)          |   | est that the Court strike the Original Declaration |
| 8        |              | and Exhibit from the Court's re   | ecord of the above-captioned case.                 |
| 9        |              |   | Respectfully submitted,                            |
| 10<br>11 | Dated: Feb   | ruary 11, 2014  | RICHARD DOYLE, City Attorney                       |
| 12       |              | <b>,</b> ,  |  |
| 13       |              |   | By: /s/<br>RICHARD D. NORTH                        |
| 14       |              |   | Deputy City Attorney                               |
| 15       |              |   | Attorneys for CITY OF SAN JOSE<br>and SON VU       |
| 16       |              |   | Respectfully submitted,                            |
| 17       |              |   |  |
| 18       | Dated: Feb   | ruary 11, 2014  | Law Office of Michael Millen                       |
| 19       |              |   | By:  |
| 20       |              |   |  |
| 21       |              |   | Attorney for MERCEDES MARKER                       |
| 22       |              |   |  |
| 23       | ///          |   |  |
| 24       | ///          |   |  |
| 25       | ///          |   |  |
| 26       | ///          |   |  |
| 27       | ///          |   |  |
| 28       |              | P. AND REQ. TO STRIKE THE ORIG  |  |
| 4        | RICHARD D. N | RICHARD D. NORTH ISO DEFTS' OPP. TO P'S MIL#6 AND ATTACHMENT; 1058975<br>[PROPOSED] ORDER |  |
|          |              |   |  |

| 1  | [PROPOSED] ORDER  |
|----|---|
| 2  | The Court has reviewed the Parties' stipulation above and hereby approves.  |
| 3  | (1) The Declaration of Richard D. North in Support of Defendants'   |
| 4  | Opposition to Plaintiff's Motion in Limine #6 and attached Exhibit A,   |
| 5  | filed February 7, 2014, shall be stricken from the Court's record of  |
| 6  | Marker v. City of San Jose, Case No. C09-05956 RMW. (Docket #103)   |
| 7  | (2) The Amended Declaration of Richard D. North in Support of   |
| 8  | Defendants' Opposition to Plaintiff's Motion in Limine #6 and attached  |
| 9  | Exhibit A, filed February 11, 2014, shall be accepted by the Court.   |
| 10 |   |
| 11 | Dated:, 2014 Ronald M. Whyte  |
| 12 |   |
| 13 | HON. RONALD M. WHYTE  |
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| 28 | 3 PARTIES' STIP, AND REQ. TO STRIKE THE ORIG. DECLARATION OF C09-05956 RMW  |
|    | PARTIES' STIP. AND REQ. TO STRIKE THE ORIG. DECLARATION OF       C09-05956 RMW         RICHARD D. NORTH ISO DEFTS' OPP. TO P'S MIL#6 AND ATTACHMENT;       1058975         [PROPOSED] ORDER       1058975 |