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13 **UNITED STATES DISTRICT COURT FOR THE**
14 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

15 Case No. 5:11-cv-02449-JF

16 DOE I, DOE II, Ivy HE, DOE III, DOE
17 IV, DOE V, DOE VI, ROE VII, Charles
LEE, ROE VIII, and LIU Guifu,

18 Plaintiffs,

19 vs.

20 CISCO SYSTEMS, INC., John
21 CHAMBERS, Thomas LAM, Owen
22 CHAN, and DOES 1-100,

23 Defendants.

Assigned to the Honorable Jeremy Fogel, U.S.D.J.

**PLAINTIFF DOE III AND DOE IV'S
AMENDED NOTICE OF MOTION AND
MOTION TO COMMENCE AND PROCEED
THROUGH APPOINTED NEXT FRIEND**

[DECLARATIONS OF TERRI MARSH AND
ROE III IN SUPPORT THEREOF AND
[PROPOSED] ORDER FILED CONCURRENTLY
HEREWITH]

[COMPLAINT FILED CONCURRENTLY
HEREWITH]

Action filed: May 19, 2011
Hearing: July 29, 2011, 9:00am
Courtroom: 3, 5th Floor

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 NOTICE IS HEREBY GIVEN THAT at 9:00am on July 29, 2011¹, in the Court of the
3 Honorable Jeremy Fogel, located at the United States Courthouse, Robert F. Peckham Federal
4 Building, 280 South 1st Street, San Jose, CA 95113, Plaintiffs DOE III and DOE IV, by and
5 through their retained counsel, will move to commence and proceed in this action through an
6 appointed next friend. DOE III is currently in prison in the People's Republic of China ("China")
7 and therefore cannot proceed on his own behalf. DOE IV was in prison in China until recently
8 and is now under round-the-clock supervision and monitoring. ROE III, a close personal friend
9 of both DOE III and DOE IV, received authorization from DOE IV and from an authorized agent
10 of DOE III to proceed with this case on their behalf.

11 This Motion is based on this Notice of Motion and Motion, the Memorandum of Points
12 and Authorities and supporting Declarations filed and submitted herewith, the pleadings and
13 papers filed in this action, and any further evidence and argument that the Court may receive at or
14 before the hearing.

15 This Motion is made following the conference of counsel regarding the hearing date, as
16 required by the San Jose Division Standing Order Regarding Case Management in Civil Cases.

17
18 DATED: June 21, 2011

Respectfully submitted,
SCHWARCZ, RIMBERG, BOYD &
RADER, LLP

21 By: /s/ Rajika L. Shah

22 Rajika L. Shah, Esq.
23 K. Lee Crawford-Boyd, Esq.
Attorney for Plaintiffs

24 Terri E. Marsh, Esq.
25 Attorney for Plaintiffs (pro hac vice)

26 _____
27 ¹ This Amended Notice of Motion is filed as a result of assignment of the case to the Hon. Jeremy
28 Fogel. The date, time, location of the hearing, and statement regarding compliance with the San
Jose Division Standing Order Regarding Case Management in Civil Cases of the hearing are the
only changes set forth in this amended notice.