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13 Attorneys for PLAINTIFFS

14  
15 **UNITED STATES DISTRICT COURT FOR THE**

16 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

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

20 Plaintiffs,

21 vs.

22 CISCO SYSTEMS, INC., John CHAMBERS,  
Thomas LAM, Owen CHAN, Fredy  
23 CHEUNG, and DOES 1-100,

24 Defendants.

Case No. 5:11-cv-02449-EJD-PSG

Assigned to the Honorable Edward J. Davila

**DECLARATION OF KRISTEN NELSON  
IN SUPPORT OF STIPULATION RE:  
SERVICE OF SUMMONS AND  
COMPLAINT ON NEWLY ADDED  
DEFENDANT FREDY CHEUNG**

Complaint Filed: May 19, 2011

FAC Filed: September 2, 2011

1 **DECLARATION OF KRISTEN NELSON**

2 I, KRISTEN NELSON, declare:

3 1. I am an attorney at law duly licensed to practice law in the State of California. I  
4 am an associate with the law firm of Schwarcz, Rimberg, Boyd & Rader, LLP, attorneys of record  
5 for Plaintiffs. I am one of the attorneys responsible for this file and have personal knowledge of  
6 the facts stated herein, and if called as a witness I would and could competently testify thereto.

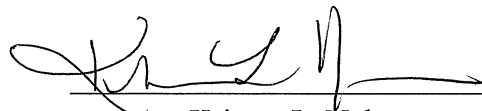
7 2. Pursuant to Fed. R. Civ. P. 15(a)(1)(B) and stipulation of the parties, Plaintiffs  
8 filed a Corrected First Amended Complaint ("FAC") on September 2, 2011, in which Plaintiffs  
9 named Fredy Cheung ("Cheung") as a new defendant, and notice was electronically mailed to  
10 counsel for the parties, via Electronic Case Filing ("ECF") (Docket Entry ("DE") 62-1).

11 3. Pursuant to direction from the Court clerk, I sent the Summons on Cheung to the  
12 Court via Federal Express on September 1, 2011, for paper filing on September 2, 2011  
13 ("Summons Package"). I received confirmation from Federal Express that the Summons Package  
14 was delivered to the Court on September 2, 2011, at 10:24 a.m. and signed for by T. Harwell.  
15 However, I was later informed by the Court clerk that the Summons Package had been internally  
16 misplaced and that the clerk's office was searching for it.

17 4. Following an extensive search over several weeks, I was notified by the Court  
18 clerk that the Summons Package had not been located. A Case Management Conference had been  
19 previously scheduled for September 23, 2011, which I attended along with K. Lee Boyd, counsel  
20 for Plaintiffs. I personally delivered a new copy of the Summons on Cheung with the Court on  
21 September 23, 2011, and the Summons was entered in the docket and notice was electronically  
22 mailed to counsel for the Parties via ECF (DE 66) later the same day.

23 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
24 and correct.

25 Executed this 10th day of October, 2011, at Los Angeles, California.

26   
27 \_\_\_\_\_  
28 Kristen L. Nelson