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9 Attorneys for Plaintiffs

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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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13 DOUGLAS CHURCHILL, PETER
14 LAU, THE CALGUNS
FOUNDATION, INC. THE SECOND
15 AMENDMENT FOUNDATION,
INC.,

CASE NO.: CV 12 1740 LB

NOTICE OF RECEIPT OF WAIVER
OF SERVICE OF SUMMONS FROM
DEFENDANTS

16

Plaintiffs,

17

vs.

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19 KAMALA HARRIS – as Attorney
General, CALIFORNIA
20 DEPARTMENT OF JUSTICE,
CITY/COUNTY OF SAN
21 FRANCISCO, and SAN FRANCISCO
22 POLICE DEPARTMENT, CITY OF
OAKLAND, OAKLAND POLICE
23 DEPARTMENT and Does 1 to 20,

24

Defendants.

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26 Attached are true and correct scanned copies of the original WAIVER OF
27 SERVICE OF SUMMONS from the following Defendants:

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- 1 1. City of Oakland.
- 2 2. City of San Francisco and San Francisco Police Department.
- 3 3. Kamala D. Harris, Attorney General.

4 Respectfully Submitted on June 12, 2012,

5 _____
/s/

6 Donald E.J. Kilmer, Jr., (SBN: 179986)

7 Attorney for Plaintiffs

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AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
Northern District of California

Churchill, et al.,
Plaintiff
v.
Harris, et al.,
Defendant
Civil Action No. CV 12 1740 LB

WAIVER OF THE SERVICE OF SUMMONS

To: Donald Kilmer
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 05/01/2012, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: May 30, 2012
City of Oakland
Printed name of party waiving service of summons

Kevin D. Siegel, Deputy City Attorney, City of Oakland
Signature of the attorney or unrepresented party
Kevin D. Siegel
City Attorney's office, Oakland
1 Frank H. Ogawa Plaza
6th Floor
Oakland, CA Address 94612
KSiegel@oaklandcityattorney.org
E-mail address
510 238 4982
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
Northern District of California

Churchill, et al.,
Plaintiff
v.
Harris, et al.,
Defendant
Civil Action No. CV 12 1740 LB

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(Name of the plaintiff's attorney or unrepresented plaintiff)

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Date: 5/29/12

DEPT. CITY AND COUNTY OF SAN FRANCISCO;
Printed name of party waiving service of summons
DEPT. SAN FRANCISCO POLICE DEPT.

Signature of the attorney or unrepresented party
Christine Van Aken
Printed name

CITY HOTEL, RM 237
1012 CALIFORNIA B. WOODLAWN PLAZA, SF 94102
Address

CHRISTINE.VANAKEN@SFBDD.ORG
E-mail address

415-574-4633
Telephone number

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UNITED STATES DISTRICT COURT

for the Northern District of California

Churchill, et al.,

Plaintiff

v.

Harris, et al.,

Defendant

Civil Action No. CV 12 1740 LB

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Date: 05/22/2012

[Handwritten Signature]

Signature of the attorney or unrepresented party

Kamala D. Harris, Attorney General

Printed name of party waiving service of summons

Daniel J. Powell

Printed name

455 Golden Gate Avenue, Ste. 11000 San Francisco, CA 94102

Address

Daniel.Powell@doj.ca.gov

E-mail address

(415) 703-5830

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

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