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Attorneys for Plaintiff Hypertouch, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HYPERTOUCHE, INC., a California  
corporation,

Plaintiff,

vs.

KENNEDY-WESTERN UNIVERSITY,

Defendant.

Case No. C 045203 SI

**ORDER DENYING MOTION FOR  
ORDERS OVERRULING  
OBJECTIONS**

**Date: August 12, 2005**

**Time: 9:00 a.m.**

**Dept. 10**

The motion of defendant Kennedy-Western University (“KWU”) for orders overruling objections to document requests and compelling production of documents came on regularly for hearing on August 12, 2005 at 9:00 a.m. in Courtroom 10 of the above-entitled court, the Hon. Susan Illston, Judge, presiding. Defendant and moving party appeared by its attorney of record Cynthia Woollacott and plaintiff and responding party Hypertouch appeared by its attorney of record Brian J. Triplett.

After considering the moving and opposing papers, and hearing oral argument, it is,

ORDERED that the motion is denied, that plaintiff’s objections to categories 21-27 from defendant’s document request are sustained and that plaintiff shall not be required to produce these documents. This

**ORDER DENYING MOTION FOR ORDERS OVERRULING  
OBJECTIONS TO PRODUCTION OF DOCUMENTS**

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1 decision is based upon the absence of materiality of the documents in question and the invasion of plaintiff's  
2 privacy that they represent.

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4 DATED: \_\_\_\_\_

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5 SUSAN ILLSTON  
6 UNITED STATES DISTRICT JUDGE  
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**PROOF OF SERVICE BY MAIL**  
[CCP §1013(a)]

I, JENNIFER M. BEARD, declare that I am not a party to this action, am over the age of 18 years, maintain a business address at 523 Fourth Street, Suite 210, San Rafael, California 94901-3349, and that on the date shown below, I served the documents listed herein on the persons listed herein by placing true copies of said documents in sealed envelopes and depositing said envelopes in the United States mail at San Rafael, California, with postage prepaid, directed to said persons at the addresses below.

**DOCUMENTS SERVED:**

- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RESPONSE AND OPPOSITION TO MOTION FOR ORDERS OVERRULING OBJECTIONS**
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**SERVED UPON:**

Cynthia Woollacott, Esq.  
Woollacott Jannor LLP  
10350 Santa Monica Boulevard  
Suite 350  
Los Angeles, CA 90025-5075

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this proof of service was executed on the date below at San Rafael, California.

Dated:

\_\_\_\_\_

JENNIFER M. BEARD