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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Defendants
COUNTY OF FRESNO and FRESNO COUNTY IN-
HOME SUPPORTIVE SERVICES PUBLIC
AUTHORITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

MIKESHA MARTINEZ, et al.,
Plaintiffs,

v.

ARNOLD SCHWARZENEGGER,
Governor of the State of California; JOHN
A. WAGNER, Director of the California
Department of Social Services; DAVID
MAXWELL-JOLLY, Director of the
California Department of Health Care
Services; JOHN CHIANG, California State
Controller; COUNTY OF FRESNO; and
FRESNO COUNTY IN-HOME
SUPPORTIVE SERVICES PUBLIC
AUTHORITY,

Defendants.

Case No. C 09-02306 CW

**OBJECTIONS TO DECLARATION OF
JUSZTINA TRAUM**

HEARING:

DATE: June 25, 2009

TIME: 2:00 p.m.

CRTRM: 2

Defendants COUNTY OF FRESNO and FRESNO COUNTY IN-HOME SUPPORTIVE
SERVICES PUBLIC AUTHORITY (collectively, "the County"), by and through their attorneys
of record, hereby asserts the following objections to the Declaration of Juszina Traum.

Objection is made to the entire declaration on the grounds that it contains statements that
violate the hearsay rule as out of court statements cannot be introduced for the truth of the matters

1 asserted. (FRE Rule 801.) Likewise, the purported statements made by the declarant lack
 2 foundation. (A.I. Credit Corp. v. Legion Ins. Co., 265 F.3d 630, 637 (7th Cir. 2001).) The
 3 declaration is entirely speculative and there are no documents to substantiate the alleged
 4 conversations or the purported rates set forth in the declaration. (FRE Rule 801; Slevin v. Home
 5 Depot, 120 F. Supp 2d. 822, 835-836 (N.D. Cal. 2000) [stating that a declaration based on
 6 speculation is irrelevant and should not be considered].) Therefore, the entire declaration should
 7 be stricken.

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 10 Dated: June 11, 2009

McCORMICK, BARSTOW, SHEPPARD,
 WAYTE & CARRUTH LLP

11
 12 By: /s/ Michael G. Woods

13 Michael G. Woods
 14 Timothy J. Buchanan
 15 Attorneys for Defendants
 16 COUNTY OF FRESNO and FRESNO
 17 COUNTY IN-HOME SUPPORTIVE
 18 SERVICES PUBLIC AUTHORITY

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