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ROY L. CALDWELL, Ph.D.
10 and DAVID LINDBERG

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 JEANNE E. CALDWELL,

17 Plaintiff,

18 v.

19 ROY L. CALDWELL, Ph.D., in his official
capacity as Director of the University of
20 California Museum of Paleontology; DAVID
LINDBERG, in his official capacity as Chair of
21 the Integrative Biology Department of the
University of California-Berkeley; and
22 MICHAEL D. PIBURN, in his official capacity
as Program Director for the National Science
23 Foundation,

24 Defendants.
25

Case No. C05-04166

**[PROPOSED] ORDER GRANTING
MOTION TO STRIKE DEFENDANTS
ROY L. CALDWELL, Ph.D. AND
DAVID LINDBERG'S MOTION TO
STRIKE**

26 The motion to strike filed by defendants Roy L. Caldwell, Ph.D. and David Lindberg
27 (collectively "defendants") came on regularly for hearing on January 25, 2006, at 9:00 a.m., in
28 Courtroom 3 of the above-entitled court before the Honorable Phyllis J. Hamilton. William J.

MORGENSTEIN & JUBELIRER LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 Carroll of Morgenstein & Jubelirer LLP appeared for defendants and moving parties Roy L.
2 Caldwell, Ph.D. and David Lindberg; Larry Caldwell of Quality Science Education for All and
3 Kevin T. Snider of Pacific Justice Institute appeared for plaintiff Jeanne E. Caldwell.

4 After due consideration of the papers, the Court's file, the arguments of counsel, any and
5 evidence properly submitted at or before the hearing, and good cause appearing therefor, the
6 Court rules as follows:

7 Defendants' Motion to Strike is hereby GRANTED. The following will be stricken from
8 plaintiff's complaint:

9 Paragraph 40(C), page 15, lines 1 and 2.

10
11 **IT IS SO ORDERED.**

12
13 DATED: _____

14 Hon. Phyllis J. Hamilton
15 United States District Court
16 Northern District of California

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