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Lodged October 20, 2008

Attorney for Respondent  
Donald J. Myers

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

11	<b>LISSA UVIZL,</b>	) Case Nos. <b>BS116340 /BS116339</b>
		)
		) <b>Hon. Richard E. Rico</b>
		)
12	Plaintiff,	) <b>[PROPOSED] ORDER GRANTING</b>
		) <b>DEFENDANT’S EX PARTE</b>
13	vs.	) <b>APPLICATION TO EXCLUDE</b>
		) <b>PLAINTIFF’S LATE FILED</b>
		) <b>OBJECTIONS, ETC</b>
15	<b>DONALD J. MYERS,</b>	)
		) <b>DATE: Tuesday, October 21, 2008.</b>
16	Respondent.	) <b>TIME: 8-30 a.m.</b>
		) <b>DEPT: 76</b>
		)
		) Action Filed: August 11, 2008
19		) Trial Date: None
		)
20	<b>LEWIS MIRANDA,</b>	) <u>Filed concurrently with:</u> (1) Defendant’s <i>Ex</i>
		) <i>Parte</i> Application, Memorandum, Supporting
21	Plaintiff,	) Declaration and Exhibits.
		)
22	vs.	)
		)
23		)
		)
24	<b>DONALD J. MYERS,</b>	)
		)
25	Respondent.	)
		)

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1 Defendant Donald J. Myer's *Ex Parte* Application to exclude, reject and strike the late  
2 filed "Plaintiff's Objection to Declarations of Graham Berry and Garry Scarff filed in Support of  
3 Defendant's Special Motion to Strike; Request to Strike Declarations" came on for hearing on  
4 October 21, 2008. Having reviewed the points and authorities, evidence and other written  
5 submissions filed by the parties, and having heard oral argument, the Court rules as follows:  
6

7 **A.** Plaintiff's document captioned "Plaintiff's Objection to Declarations of Graham Berry  
8 and Garry Scarff filed in Support of Defendant's Special Motion to Strike; Request to  
9 Strike Declarations" was filed unduly late and without any appropriate request for relief.  
10 It is hereby excluded, rejected and stricken and it's contents shall be ignored by this  
11 Court; **OR**;

12  
13 **B.** The hearing Defendant's anti-SLAPP motion herein is hereby continued from October  
14 24, 2008, to November \_\_\_\_, 2008, so that Defendant may file a Rebuttal brief and  
15 Supporting Declarations no later than Monday, October 27, 2008.  
16

17 **IT IS SO ORDERED:**

18  
19 **Dated: October \_\_\_\_, 2008**

\_\_\_\_\_  
20 **Superior Court Judge**

21  
22  
23  
24 Respectfully presented by:

25 \_\_\_\_\_  
26 **Graham E. Berry,**  
27 Attorney for Defendant Donald J. Myers

28 Dated: October 20, 2008

1  
2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA)  
4 ) ss.  
5 COUNTY OF LOS ANGELES)

6  
7 I reside in the County of Los Angeles, State of California. I am over the age of 18 and I am not a  
8 party to the within action.

9 **On October 20, 2008** I served the foregoing document described as:

10  
11 **[PROPOSED] ORDER GRANTING DEFENDANT’S EX PARTE APPLICATION TO**  
12 **EXCLUDE PLAINTIFF’S LATE FILED OBJECTIONS, ETC**

13  
14 **By faxing a copy to Plaintiff’s counsel at (213) 487-5385 and emailing a copy to**  
15 **kmaxon@earthlink.net**

16 **Kendrick L. Moxon, Esq.**  
17 **Moxon & Kobrin**  
18 **3055 Wilshire Boulevard, Suite 900**  
19 **Los Angeles, CA 90010**

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
21 true and correct.

22 Executed this 20<sup>th</sup> day of September, 2008, at Los Angeles, California.

23  
24 Signed: \_\_\_\_\_  
25 Print Name: Graham E. Berry  
26 Address: 3384 McLaughlin Avenue,  
27 Los Angeles, CA 90066  
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