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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHEVRON CORP.,	)	Case No. 3:12-mc-80237 CRB (NC)
	)	
Plaintiff,	)	OBJECTION TO EVIDENCE;
	)	ADMINISTRATIVE MOTION TO
v.	)	STRIKE
	)	
STEVEN DONZIGER, <i>et al.</i>	)	Civ. L. R. 7-11
	)	
Defendants.	)	Place: Courtroom 6, 17 th Floor
	)	Hon. Charles R. Breyer
	)	
	)	
	)	
	)	
	)	
	)	

1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

2 **Objection to Evidence**

3 The Non-Party Movants hereby respectfully object to Chevron Corporation's improper
4 submission of new evidence in support of its Motion For Relief From Nondispositive Pretrial Order
5 of Magistrate Judge, filed September 5, 2013, ECF No. 74 ("Motion for Relief"). The evidence
6 subject to this Objection is the Declaration of Alexander T. Marx in Support of Chevron
7 Corporation's Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge, and all
8 exhibits thereto (ECF Nos. 74-1 through 74-26). Chevron elected not to submit this evidence
9 before the Magistrate Judge even though the new evidence is comprised entirely of documents it
10 had in its possession since long before it filed its opposition to the underlying Motion to Quash.

11 Without good cause to introduce new evidence to the record on its Motion for Relief,
12 Chevron's attempt to supplement the record at this late date is improper. *See Hendon v. Baroya*,
13 No. 05-cv-01247-AWI-GSA, 2012 WL 995757, *2 (E.D. Cal. Mar. 23, 2012) (citing *Zimmerman*
14 *v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001); *Rosenfeld v. United States Dep't of Justice*,
15 57 F.3d 803, 811 (9th Cir. 1995). Indeed, a motion for relief from an order of a Magistrate Judge
16 "must be denied to the extent it is based on new arguments and evidence." *Id.*

17 **Administrative Motion to Strike**

18 Pursuant to the above objection, the Non-Party Movants hereby respectfully move the
19 Court for an order striking from the record the Declaration of Alexander T. Marx in Support of
20 Chevron Corporation's Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge,
21 and all exhibits thereto (ECF Nos. 74-1 through 74-26), as they contain documents that Chevron
22 chose not to provide to the Magistrate Judge despite having been available to Chevron at the time.

23 DATED: September 9, 2013

24 Respectfully submitted,

25 ELECTRONIC FRONTIER FOUNDATION

26 /s/ Nathan D. Cardozo

27 Nathan D. Cardozo

28 Cindy Cohn

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