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FILED
ALAMEDA COUNTY

NOV 01 2012

CLERK OF THE SUPERIOR COURT
By [Signature] Deputy

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11 WITNESSES, NORTH UNIT

BY FAX

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF ALAMEDA**

14
15 JANE DOE,

16 Plaintiff,

17 v.

18 THE WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC., a
19 corporation; FREMONT CALIFORNIA
CONGREGATION OF JEHOVAH'S
20 WITNESSES, NORTH UNIT, a California
corporation; JONATHAN KENDRICK, an
21 individual; and ROES 1 to 10,

22 Defendants.
23
24

Case No.: HG11558324

**DEFENDANTS' REQUEST TO PRESENT
ORAL TESTIMONY AT HEARING**

[Cal. Rules of Court, Rule 3.1306(b)]

Date: November 8, 2012

Time: 3:00 p.m.

Judge: Hon. Robert McGuiness

25 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS**
26 **OF RECORD:**

27 Defendants WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.,
28 and FREMONT CALIFORNIA CONGREGATION OF JEHOVAH'S WITNESSES, NORTH

1 UNIT (collectively the "Church Defendants") hereby request permission of the Court to introduce
2 oral evidence at the November 8, 2012 hearing on their Motion to Substitute or Reduce Bond on
3 Appeal. The request is made pursuant to Rule 3.1306(b) of the California Rules of Court.

4 **Nature and Extent of the Evidence Proposed to be Introduced.** The oral evidence that
5 the Church Defendants seek permission to present in support of their Motion to Substitute or
6 Reduce Bond on Appeal includes the testimony from one witness, a representative of Defendant
7 Watchtower, who will provide a description of the unique property located in Patterson, New York
8 that the Church Defendants are moving to substitute for the bond on appeal, the property's
9 extensive use by Watchtower from the time of its purchase up to the present, and Watchtower's
10 plans for its enduring and essential use in the future fulfillment of Watchtower's world-wide Bible
11 education mission. The oral testimony will also include the presentation of photographs of the
12 Patterson Property and an appraisal of the Patterson Property.

13 **Reasonable Time Estimate for the Hearing.** It is expected that presentation of the
14 intended oral evidence will take only about 10 - 15 minutes.

15 **Good Cause.** Good cause exists to grant this request because the oral testimony will help
16 inform the Court about the suitability of the Patterson Property as security for the appeal from the
17 Amended Judgment in this case.

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19 DATED: November 1, 2012

Respectfully submitted,
JACKSON LEWIS LLP

20
21 By: *R. Schnack*
22 Robert J. Schnack
23 Douglas M. Egbert

24 DATED: November 1, 2012

Attorneys for Defendant WATCHTOWER BIBLE
AND TRACT SOCIETY OF NEW YORK, INC.
THE McCABE LAW FIRM, APC

25
26 By: *J. McCabe*
for James M. McCabe

27 Attorneys for Defendant, FREMONT
28 CALIFORNIA CONGREGATION OF
JEHOVAH'S WITNESSES, NORTH UNIT

PROOF OF SERVICE

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Jackson Lewis LLP, 801 K Street, Suite 2300, Sacramento, California 95814.

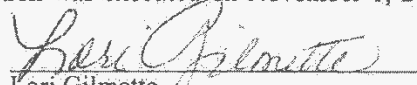
On November 1, 2012, I caused to be served the foregoing document(s) **DEFENDANTS' REQUEST TO PRESENT ORAL TESTIMONY AT HEARING** on all interested parties in said action, through their attorneys of record by placing a true and correct copy thereof, addressed as shown below, by the following means:

- PERSONAL SERVICE** - by personally delivering a true and correct copy thereof to the person at the address set forth below, in accordance with Code of Civil Procedure section 1011(a).
- MAIL** - by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid for deposit in the United States Post Office mail box, at my business address shown above, following Jackson Lewis LLP's ordinary business practices for the collection and processing of mail, of which I am readily familiar, and addressed as set forth below. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
- OVERNIGHT DELIVERY** - by depositing a true and correct copy thereof enclosed in a sealed envelope with delivery fees thereon fully prepaid in a box or other facility regularly maintained by Overnight Express or delivering to an authorized courier or driver authorized by Overnight Express to receive documents, addressed as set forth below.
- FACSIMILE TRANSMISSION** - by transmitting a true and correct copy by facsimile from facsimile number (916) 341-0141 to the person(s) at the facsimile number(s) set forth below, which transmission was confirmed as complete. A copy of the transmission record is attached hereto.
- ELECTRONIC MAIL** - by forwarding a true and correct copy thereof by e-mail from e-mail address _____ to the person(s) at the e-mail address(es) set forth below.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 1, 2012, at Sacramento, California.


Lori Gilmette