

USDC SCAN INDEX SHEET



AJG 4/18/05 10:49

3:02-CV-02497 HUBBARD V. RITE AID CORPORATION

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OBJ.

ORIGINAL

1 Wayne C. Arnold, Bar No. 103194
 2 Lisa D. Herzog, Bar No. 194123
 3 HART, KING & COLDREN
 4 A PROFESSIONAL CORPORATION
 5 200 East Sandpointe, Fourth Floor
 6 Santa Ana, California 92707
 7 Telephone: (714) 432-8700
 8 Facsimile: (714) 546-7457

FILED

05 APR 14 PM 4:12

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

6 Attorneys for Defendants RITE AID CORPORATION and
 7 ARTHUR CIUFFO, JR. and EVELYN EMMERSON,
 8 Trustees of the CIUFFO FAMILY TRUST B erroneously
 9 Sued as THE CIUFFO FAMILY TRUST B, ET AL.

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

11 LYNN J. HUBBARD, BARBARA J.
 12 HUBBARD,

Case No.: 02CV2497-WQH (BLM)

13 Plaintiff,

13 DEFENDANTS' OBJECTION TO
 14 ARGUMENT CONTAINED IN
 15 PLAINTIFFS' REQUEST FOR JUDICIAL
 16 NOTICE

14 v.

15 RITE AID CORPORATION; THE
 16 CIUFFO FAMILY TRUST B, ET AL;
 17 AVOCADO PLAZA, L.L.C. and DOES 1
 18 through 20,

Date: April 22, 2005
 Time: 3:00 p.m.
 Ctrm.: 4

17 Defendant.

Complaint Filed: December 18, 2002
 Trial Date: None

HART, KING & COLDREN
 A PROFESSIONAL CORPORATION
 200 EAST SANDPOINTE, FOURTH FLOOR
 SANTA ANA, CALIFORNIA 92707

23 Defendants RITE AID CORPORATION and ARTHUR CIUFFO, JR. and EVELYN
 24 EMMERSON, Trustees of the CIUFFO FAMILY TRUST B (collectively "RITE AID") by
 25 and through their attorney, hereby object to the argument contained in Plaintiffs' Request for
 26 Judicial Notice. RITE AID does not object to plaintiffs' request that the court take judicial
 27 notice of the opinions attached to its request.

28 ///

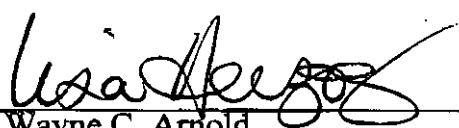
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Because, the inclusion of argument within plaintiffs' request, RITE AID respectfully requests that this Court disregard plaintiffs' additional arguments.

Dated: April 14, 2005

HART, KING & COLDREN

By: 
Wayne C. Arnold
Lisa D. Herzog
Attorneys for Defendants RITE AID CORPORATION and ARTHUR CIUFFO, JR. and EVELYN EMMERSON, Trustees of the CIUFFO FAMILY TRUST B

HART, KING & COLDREN
A PROFESSIONAL CORPORATION
200 EAST SANDPOINTE, FOURTH FLOOR
SANTA ANA, CALIFORNIA 92707

PROOF OF SERVICE

Hubbard v. Rite Aid Corporation, et al.
Court Case No. 02CV2497-WQH (BLM)

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 200 East Sandpointe, Fourth Floor, Santa Ana, California 92707-0507. On April 14, 2005, I caused the foregoing documents(s) described as **DEFENDANTS' OBJECTION TO ARGUMENT CONTAINED IN PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE** to be served on the interested parties in this action as follows:

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

Lynn Hubbard, III Tel: (530) 895-3252
Law Offices of Lynn Hubbard Fax: (530) 894-8244
12 Williamsburg Lane
Chico, CA 95926

BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid Santa Ana, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit.

BY OVERNIGHT COURIER: I caused such envelope to be placed for collection and delivery on this date in accordance with standard Overnight Express delivery procedures.

BY ELECTRONIC SERVICE (E-MAIL): to:

LawOfChaos@aol.com and alipetras@hubslaw.com

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the above-referenced person(s).

[Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2005, at Santa Ana, California.


Dora Renteria

HART, KING & COLDREN
A PROFESSIONAL CORPORATION
200 EAST SANDPOINTE, FOURTH FLOOR
SANTA ANA, CALIFORNIA 92707

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