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JOHN DOE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA  
UNLIMITED JURISDICTION

E. VAN CULLENS,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. CV 814664

**BY FAX**

NOTICE OF MOTION AND SPECIAL  
MOTION TO STRIKE

Date: April 17, 2003  
Time: 9:00 a.m.  
Dept: 2, Hon. William J. Elfving

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, on Thursday, April 17, 2003, at 9:00 a.m., or as soon thereafter that the matter may be heard, in the courtroom of the Honorable William J. Elfving, Department 2, 191 North First Street, San Jose, California 95113, Defendant John Doe ("Defendant") will and hereby does move the Court for an Order, pursuant to Section 418.10 of the Code of Civil Procedure, granting Defendant's Special Motion to Strike.

The motion is made on the grounds that Plaintiff has sought to use California process to reveal Doe's identity based upon acts taken in furtherance of Doe's right to freedom of speech on a

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NOTICE OF MOTION AND SPECIAL MOTION TO STRIKE

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2 matter of public importance and that Plaintiff cannot establish a reasonable probability of  
3 prevailing on his claims.

4 Defendant's motion is based upon this Notice of Motion, the Special Motion to Strike, and  
5 the Declaration of Cindy A. Cohn in support thereof, filed concurrently herewith, the pleadings on  
6 file in this case, and on such other and further argument and evidence as the Court may receive at  
7 the hearing of this matter.

8 DATED: March 17, 2003

9 By 

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