

1 EDMUND G. BROWN, JR.
 Attorney General of the State of California
 2 KATHLEEN E. FOOTE – California Bar No. 65819
 Senior Assistant Attorney General
 3 NICOLE S. GORDON – California Bar No. 224138
 Deputy Attorney General
 4 SANGEETHA RAGHUNATHAN – California Bar No. 229129
 Deputy Attorney General
 5 EMILIO E. VARANINI – California Bar No. No. 163952
 Deputy Attorney General
 6 455 Golden Gate Avenue
 San Francisco, California 94102
 7 Telephone: (415) 703-5555
 Fax: (415) 703-5480
 8 Email: emilio.varanini@doj.ca.gov

9 Attorneys for Plaintiffs

10 Michael I Spiegel – California Bar No. 32651
 Wayne M. Liao – California Bar No. 66591
 11 Charles M. Kagay – California Bar No. 73377
 SPIEGEL LIAO & KAGAY
 12 388 Market Street, Suite 900
 San Francisco, California 94111
 13 Telephone: (415) 956-5959
 Fax: (415) 362-1431
 14 E-Mail: cmk@slksf.com

15 Attorneys for the State of California

16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>18 THE STATE OF CALIFORNIA et al., 19 Plaintiffs, 20 v. 21 INFINEON TECHNOLOGIES AG et al., 22 Defendants.</p>	<p>Case No. C 06-4333 PJH Related to MDL No. 1486 Evidentiary Objections to Declaration of Joel Sanders, re Reply in Support of Motion to Void Certain Defendants’ Agreement (re: Settlement) Date: November 14, 2007 Time: 9:00 A.M. Courtroom: 3</p>
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24 The States hereby submit the following evidentiary objections to the Declaration of
 25 Joel Sanders in Support of Defendants’ Opposition to Plaintiffs’ Motion to Void Defendants’
 26 Judgment Sharing Agreement.

1 **Paragraphs 2-6, 8**

2 These paragraphs contravene Federal Rule of Evidence 1002 (the Best Evidence Rule)
3 These paragraphs purport to characterize the provisions of Defendants' Agreement, a
4 document that is in defendants' possession. Under Rule 1002, these characterizations cannot
5 take the place of the document itself.

6 These paragraphs also contravene the prohibition against the introduction of opinion
7 testimony to interpret or to provide the legal meaning of contracts. *McHugh v. United*
8 *Service Auto. Ass'n* 164 F.3d 451, 454 (9th Cir. 1999). These paragraphs purport to explain
9 the legal effect of Defendants' Agreement, which is the province of the Court.

10 **Paragraph 7**

11 This paragraph contravenes Federal Rule of Evidence 802 (the Hearsay Rule). It
12 testifies to out-of-court statements made by "other defense counsel," to prove the truth of
13 those statements.

14 Dated: October 31, 2007

EDMUND G. BROWN, JR.
Attorney General of the State of California
KATHLEEN E. FOOTE
Senior Assistant Attorney General

17 /s/ Emilio E. Varanini
EMILIO E. VARANINI
18 Deputy Attorney General

19 Attorneys for Plaintiff States

20 SPIEGEL LIAO & KAGAY

21 /s/ Charles M. Kagay
Charles M. Kagay
22 Attorneys for the State of California

23 I, Charles Kagay, attest that concurrence in the
24 filing of the document has been obtained from
each of the other signatories.

25 /s/ Charles M. Kagay
Charles M. Kagay
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