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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 NEWPATH NETWORKS, LLC, A NEW)
JERSEY LIMITED LIABILITY COMPANY,)

12 Plaintiff,)

13 v.)

14)
15 THE CITY OF DAVIS, CALIFORNIA, A)
GENERAL LAW MUNICIPALITY)

16 Defendant.)

Case No. 2:10-CV-00236-GEB-KJM

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DECLARATION OF KIMBERLY E. HOOD IN SUPPORT OF DEFENDANT CITY OF DAVIS' OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION AND, IN THE ALTERNATE, REQUEST FOR BOND

Date: March 8, 2010
Time: 9:00 a.m.
Dept: 10
Judge: Hon. Garland E. Burrell, Jr.

20 I, Kimberly E. Hood, declare as follows:

21 1. I am an associate with the law firm of McDonough Holland & Allen PC, counsel for
22 Defendant City of Davis. In that capacity, I have personal knowledge of the information and facts
23 set forth below and if called upon to testify about it, I could and would do so competently.

24 2. The public meeting on NewPath Network, LLC's appeal of the City Manager's permit
25 rescission was held on January 19, 2010 at the Community Chambers, 23 Russell Boulevard, Davis,
26 California. I was in attendance at the public meeting and can attest to the accuracy of the attached
27 transcript excerpts. Attached to this declaration as **Exhibit A** are true and correct copies of the

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1 following portions of the transcript relevant to the instant motion together with the Court Reporter's
2 certificate of accuracy thereof:

3 a) Page 52, lines 24-25 through page 75, lines 1-23;

4 b) Page 99, lines 7-25 through page 100, lines 1-9 and 18-23.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct and that this Declaration was executed on February 22, 2010 in
7 Sacramento, California.

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/s/ - Kimberly E. Hood
KIMBERLY E. HOOD

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