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Attorney for Plaintiff  
ROBERT JACOBSEN

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROBERT JACOBSEN,	)	No. C-06-1905-JSW
	)	
Plaintiff,	)	<b>[PROPOSED] ORDER DENYING</b>
	)	<b>DEFENDANT RUSSELL'S MOTION TO</b>
v.	)	<b>STRIKE CLAIMS 5 AND 7</b>
	)	
MATTHEW KATZER, et al.,	)	Courtroom: 2, 17th Floor
	)	Judge: Hon. Jeffrey S. White
Defendants.	)	
	)	
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Defendant Kevin Russell filed a motion to strike Plaintiff Robert Jacobsen's Sec. 17200 and libel claims pursuant to Cal. Civ. P. § 425.16. The claim is based on Defendant's filing of a FOIA request to obtain information about Mr. Jacobsen's allegedly infringing activities at the Lawrence Berkeley Laboratory. Because the claim is not based on a constitutionally protected activity, City of Cotati v. Cashman, 29 Cal. 4th 69 (Cal. 2002), Defendant is unable to invoke the protections of the statute. Thus, the motion is DENIED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Jeffrey S. White  
District Court Judge