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ENDORSED
FILED
ALAMEDA COUNTY

JUN 2 2010
CLERK OF THE SUPERIOR COURT
By _____

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF ALAMEDA
9

10 IN RE SEARCH WARRANT ISSUED
11 DECEMBER 12, 2009

Warrant No. 2009-2775

12 **DECLARATION OF GEOFFREY KING IN**
13 **OPPOSITION TO UNIVERSITY OF**
14 **CALIFORNIA'S MOTION TO CONTINUE**
15 **HEARING ON MOTION TO QUASH**
16 **SEARCH WARRANT AND RETURN**
17 **PROPERTY**

Date: June 4, 2010
Time: 2:00 p.m.
Dept: 115


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DECLARATION OF GEOFFREY KING IN OPPOSITION TO UNIVERSITY OF CALIFORNIA'S MOTION TO CONTINUE
HEARING ON MOTION TO QUASH SEARCH WARRANT AND RETURN PROPERTY

1 7. On May 26, 2010, Eric Behrens of UC left a message for FAP Staff Counsel David Greene
2 seeking a continuance of the hearing. I returned Mr. Behren's call and he indicated to me that UC
3 wished for a continuance based on the fact that UC had assumed that the District Attorney would
4 oppose Morse's motion, but that this did not seem to be the case. I explained to Mr. Behrens that my
5 client was eager to vindicate his rights, but that I would speak with him. I also stated that among
6 other harms, Morse was unable to publish his photographs because the UCPD would not return
7 them. Mr. Behrens responded that Morse could have copies of his photographs returned, but that the
8 University would not waive its rights to use them. I stated that Morse would very much like copies
9 of his images, but that he also wanted all copies returned. I told Mr. Behrens that I would speak with
10 Morse about the continuance issue. As of the time of filing, the photographs have not been returned
11 to Morse or FAP.

12 8. After speaking with Morse I called Mr. Behrens back to let him know that I was not
13 authorized to continue the hearing. Mr. Behrens then stated that he would seek an ex parte order
14 continuing the hearing, and that he would now seek a date farther in the future. I called Mr. Behrens
15 back and offered to accept UC's opposition papers as late as close of business on Tuesday, June 1
16 if UC would forego the motion for a continuance and argue the merits of Morse's motion on June
17 4. I noted that the Court would have to approve this plan. Later that day, I received a copy of the
18 motion for a continuance at issue here via facsimile.

19 9. In subsequent communications with Mr. Behrens, he stated that UC would file opposition
20 papers by Wednesday, June 2, but would seek the continuance anyway.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct and executed this 2nd day of June, 2010 in Oakland, California.

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26 By: 
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