

1 Mark Holscher (S.B.N. 139582)  
2 R. Alexander Pilmer (S.B.N. 166196)  
3 Mark T. Cramer (S.B.N. 198952)  
4 KIRKLAND & ELLIS LLP  
5 777 South Figueroa Street  
6 Los Angeles, California 90017  
7 Telephone: (213) 680-8400  
8 Facsimile: (213) 680-8500  
9 E-mail: mholscher@kirkland.com  
10 apilmer@kirkland.com  
11 mcramer@kirkland.com

12 Attorneys for Defendant  
13 California Institute of Technology

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 Robert M. Nelson, William Bruce ) CASE NO. CV-07-05669 ODW (VBKX)  
17 Banerdt, Julia Bell, Josette Bellan, )  
18 Dennis V. Byrnes, George Carlisle, Kent ) The Hon. Otis D. Wright II  
19 Robert Crossin, Larry R. D'Addario, )  
20 Riley M. Duren, Peter R. Eisenhardt, ) **PROOF OF SERVICE OF**  
21 Susan D.J. Foster, Matthew P. ) **CALIFORNIA INSTITUTE OF**  
22 Golombek, Varoujan Gorjian, Zareh ) **TECHNOLOGY'S OPPOSITION TO**  
23 Gorjian, Robert J. Haw, James Kulleck, ) **PLAINTIFFS' MOTION FOR**  
24 Sharon L. Laubach, Christian A. ) **PRELIMINARY INJUNCTION**  
25 Lindensmith, Amanda Mainzer, Scott )  
26 Maxwell, Timothy P. McElrath, Susan ) Hearing Date: October 1, 2007  
27 Paradise, Konstantin Penanen, Celeste M. ) Time: 4:00 pm  
28 Satter, Peter M.B. Shames, Amy Snyder ) Courtroom: 11  
Hale, William John Walker and Paul R. )  
Weissman, )

29 Plaintiffs,

30 vs.

31 National Aeronautics and Space )  
32 Administration, an Agency of the United )  
33 States; Michael Griffin, Director of )  
34 NASA, in his official capacity only; )  
35 Department of Commerce; Carlos M. )  
36 Gutierrez, Secretary of Commerce, in his )  
37 official capacity only; California Institute )  
38 of Technology; and Does 1-100, )

39 Defendants.

1 **PROOF OF SERVICE**

2 I, Allison L. Mayo Andrews, am employed in the County of Los Angeles,  
3 State of California. I am over the age of 18 and not a party to the within action;  
4 my business address is Kirkland & Ellis LLP, 777 S. Figueroa Street. Los  
5 Angeles, CA 90017.

6 On September 21, 2007, I served the foregoing document(s) described as:

- 7
- 8 1. CALIFORNIA INSTITUTE OF TECHNOLOGY'S OPPOSITION TO  
9 PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION;
  - 10 2. DECLARATION OF RANDY J. ADEN IN SUPPORT OF  
11 CALIFORNIA INSTITUTE OF TECHNOLOGY'S OPPOSITION TO  
12 PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION;
  - 13 3. DECLARATION OF STEPHEN PROIA IN SUPPORT OF  
14 CALIFORNIA INSTITUTE OF TECHNOLOGY'S OPPOSITION TO  
15 PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION;
  - 16 4. DECLARATION OF COZETTE HART IN SUPPORT OF  
17 CALIFORNIA INSTITUTE OF TECHNOLOGY'S OPPOSITION TO  
18 PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION;
  - 19 5. DECLARATION OF R. ALEXANDER PILMER IN SUPPORT OF  
20 CALIFORNIA INSTITUTE OF TECHNOLOGY'S OPPOSITION TO  
21 PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION;
  - 22 6. [PROPOSED] ORDER DENYING PLAINTIFFS' MOTION FOR  
23 PRELIMINARY INJUNCTION; and
  - 24 7. PROOF OF SERVICE OF CALIFORNIA INSTITUTE OF  
25 TECHNOLOGY'S OPPOSITION TO PLAINTIFFS' MOTION FOR  
26 PRELIMINARY INJUNCTION.

27 on the interested parties in this action as follows:

28 **SEE ATTACHED SERVICE LIST**

[U.S. Mail] By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S.

1 postal service on that same day with postage thereon fully prepaid in  
the ordinary course of business.

2  **[Facsimile]** By transmitting via facsimile the above listed document(s)  
3 to the fax number(s) set forth below on this date.

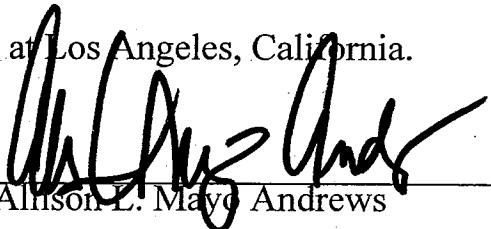
4  **[E-mail]** By transmitting via electronic mail the document(s) listed  
5 above to the person at the electronic addresses set forth in the above-  
entitled action.

6  **[Personal Service]** By causing personal delivery of the document(s)  
7 listed above to the person at the address(es) set forth below.

8  **[Federal Express]** By placing the document(s) listed above in a sealed  
9 overnight courier envelope addressed as set forth below and routing  
10 the envelope for pick up within our offices by Federal Express. I am  
11 familiar with the firm's practice of collection for pick up and overnight  
12 delivery by Federal Express. It is routed for daily pick up in our  
offices by Federal Express on that same day with overnight courier  
charges thereon fully prepaid in the ordinary course of business. I am  
aware that on motion of the party served, service is presumed invalid if  
the delivery date is more than one day after date of deposit with  
Federal Express in this affidavit.

13  **(Federal)** I declare under penalty of perjury that I am employed in the  
14 office of a member of the bar of this court at whose direction the  
service was made.

15 Executed on September 21, 2007 at Los Angeles, California.

16   
17 Allison L. Mayo Andrews  
18

**SERVICE LIST**

***Via U.S. Mail and Facsimile***

*Attorneys for Federal Defendants  
National Aeronautics and Space  
Administration; Michael Griffin, Director  
of NASA; Department of Commerce;  
Carlos M. Gutierrez, Secretary of  
Commerce*

Peter D. Keisler  
George S. Cardona  
Vesper Mei  
Stuart Licht  
U.S. Department of Justice  
Civil Division  
Federal Programs Branch  
P.O. Box 883 - Rm. 7316  
Washington, D.C. 20044  
Telephone: (202) 514-4686  
Facsimile: (202) 616-8470  
vesper.mei@usdoj.gov

***Via Personal Service & Email***

*Attorneys for All Plaintiffs*

Dan Stormer  
Virginia Keeny  
Sanjukta Paul  
Hadsell & Stormer, Inc.  
128 North Fair Oaks Avenue, Suite 204  
Pasadena, CA 91103  
Telephone: (626) 585-9600  
Facsimile: (626) 577-7079  
dan@hadsellstormer.com  
vkeeny@hadsellstormer.com  
sanjukta@hadsellstormer.com