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 13 MICRON TECHNOLOGY, INC. AND
 14 MICRON SEMICONDUCTOR PRODUCTS, INC.

15 UNITED STATES DISTRICT COURT
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 Case No. C 06-4333 PJH

18 STATE OF CALIFORNIA, *et al.*,
 19 Plaintiff,
 20 v.
 21 INFINEON TECHNOLOGIES AG, *et al.*,
 22 Defendants.

23 **DEFENDANTS' EVIDENTIARY
 24 OBJECTIONS TO DECLARATION OF
 25 KATHLEEN FOOTE FILED IN SUPPORT
 26 OF PLAINTIFFS' MOTION TO VOID
 27 DEFENDANTS' JUDGMENT SHARING
 28 AGREEMENT**

ORAL ARGUMENT REQUESTED

Hearing Date: November 14, 2007
 Hearing Time: 9:00 a.m.
 Location: Courtroom 3, 17th Floor
 Judge: Hon. Phyllis J. Hamilton

1 Defendants respectfully submit the following evidentiary objections to the Declaration of
2 Kathleen Foote Filed in support of Plaintiffs' Motion to Void Defendants' Judgment Sharing
3 Agreement.

4 1. Paragraph 7 (sentences 2-3; page 2, lines 23-26) constitute inadmissible speculation,
5 lack foundation and contain opinion testimony without basis: These two sentences offer Ms. Foote's
6 opinions that negotiations with fewer than all defendants would be "futile" and the JSA has impaired
7 the States' efforts to settle with the Defendants. They lack foundation and amount to speculation.
8 They violate Federal Rule of Evidence 701 (limiting scope of opinion testimony by lay witnesses)
9 and Federal Rule of Evidence 901 (requiring foundation). These statements highlight the speculative
10 nature of Plaintiffs' arguments about the effect of the JSA.

11 2. Paragraphs 5-6 violate the Hearsay Rule: These paragraphs violate Federal Rule of
12 Evidence 802 (prohibiting hearsay). In both paragraphs, the declarant testifies to out-of-court
13 statements made by Defendants' counsel to prove the truth of those statements.

14
15 DATED: November 7, 2007

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