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Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONGXIAO YUE,

Plaintiff,

vs.

CHUN-HUI MIAO, BIAN-WANG.COM

Defendants

Case No.: C18-1074-DMR

DEFENDANT'S DECLARATION IN
SUPPORT OF OBJECTION TO REPLY
EVIDENCE

Hearing Date: May 10, 2018

Time: 11:00 a.m.

Courtroom: 4 - 3rd Floor, Oakland Courthouse

Judge: The Honorable Donna M. Ryu

I, Chun-Hui Miao, declare:

1. I am the defendant of this lawsuit. I have personal knowledge of the matters stated herein, and if called upon to do so, I could and would competently so testify as to those matters.
2. I submit this declaration in support of my Objection to Reply Evidence.
3. I enclosed a check in the amount of \$400 (filing fee) when filing the Notice of Removal. Both were delivered to the Court on Thursday, February 15, 2018.
4. Docket item 1-2 (Page 2) clearly shows that the fee was paid in full with a paper check #1192, not with a credit card as Plaintiff asserted. (Exhibit A).

- 1 5. I did not complete a Civil Cover Sheet in my filing of the Removal Notice, because the
2 *Pro Se* handbook as well as the Local Rules only mentioned completing the form when
3 filing a new complaint. As a *Pro Se* litigant, I did not know that a Notice of Removal was
4 treated as a new complaint when filing.
5
- 6 6. On February 20, 2018, the second business day after the Notice of Removal was
7 delivered, I called the Clerk of Court to inquire about my filing, since I did not find it in
8 PACER. I was informed that the Court had received my package, but did not enter my
9 filing because of the missing Civil Cover Sheet. The court clerk, Ms. Anna Sprinkles,
10 told me to complete the form and fax it to the Court. I promptly sent the form.
11
- 12 7. On March 23, 2018, I spoke with Ms. Sprinkles by telephone, asking her if she could
13 provide a statement to confirm the receipt of my Removal Notice on February 15, 2018.
14 Ms. Sprinkles told me that she could not submit an affidavit on my behalf as a court clerk,
15 but she would clarify the matter when asked by the Court.
16

17
18 I declare under penalty of perjury that the foregoing is true and correct and that this declaration is
19 executed on the 23rd day of March 2018 in Columbia, South Carolina.

20 _____/s/_____
21 Chun-Hui Miao
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EXHIBIT A

DUPLICATE

Court Name: U.S. District Court, NDCA
Division: 3
Receipt Number: 24611131410
Cashier ID: sprinka
Transaction Date: 02/20/2018
Payer Name: JUN ZHOU

CIVIL FILING FEE

For: CHUNHUI MIAO
Case/Party: D-CAN-4-CV-00-001074-001
Amount: \$400.00

PAPER CHECK CONVERSION

Check/Money Order Num: 1192
Amt Tendered: \$400.00

Total Due: \$400.00
Total Tendered: \$400.00
Change Amt: \$0.00

DMR

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.