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4 Attorney for Intervenor-Applicant

5 JULIUS GALACKI

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

11 MICHAEL CHAMNESS, DANIEL  
12 FREDERICK, and RICH WILSON,

13 *Plaintiffs,*

14 vs.

15 DEBRA BOWEN, in only her  
official capacity as California  
Secretary of State; DEAN LOGAN,  
16 in only his official capacity as  
Registrar-Recorder / County Clerk of  
17 the County of Los Angeles; and  
DOES 1-10;

18 *Defendants.*

CASE NO. 2:11-CV-01479 ODW  
(FFMx)

**DECLARATION OF GAUTAM  
DUTTA IN SUPPORT OF REPLY  
BRIEF TO EX PARTE  
APPLICATION TO SHORTEN  
TIME AND MOTION TO  
INTERVENE**

HEARING DATE: N/A  
HEARING TIME: N/A  
JUDGE: Hon. Otis D. Wright  
II  
COURTROOM: 11\_

21 I, Gautam Dutta, declare as follows:

22 1. I am an attorney licensed to practice in the State of California. I  
23 represent Intervenor-Applicant Julius Galacki, who intends to run as a Tea Party  
24 candidate for Member of U.S. Congress in the 2011-12 election cycle.

25 2. On July 14, 2011, Mr. Galacki filed his Ex Parte Application to  
26 Shorten Time and his [Proposed] Motion to Intervene with the Court. Defendant  
27 Bowen and Intervenor-Defendants filed their opposition papers the next day.  
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1           3.     Neither Intervenor-Defendants nor Mr. Galacki has filed a Complaint  
2 in Intervention in this case.

3           4.     As a prospective intervenor, Mr. Galacki was required to file hard  
4 copies of his initial papers with the Court, and was not permitted to file those  
5 papers electronically.

6           5.     Rather than travel from Fremont to Los Angeles to file Mr. Galacki's  
7 ex parte papers, I emailed copies of his papers to an Alhambra-based process  
8 server.

9           6.     Specifically, I emailed Mr. Galacki's ex parte papers to the process  
10 server at approximately 1:30 pm on July 14, 2011. After printing and formatting  
11 hard copies of those papers, the process server filed them with the Court that  
12 afternoon.

13          7.     Shortly thereafter, at 4:17 pm, the Court issued an order setting a new  
14 hearing date for Plaintiffs' pending Motion for Summary Judgment.

15          8.     At the time I emailed Mr. Galacki's ex parte papers to the process  
16 server, I did not know that, later that day, the Court would issue an order regarding  
17 Plaintiffs' pending Motion for Summary Judgment.

18          9.     Tonight, I attempted to electronically file Mr. Galacki's reply brief.  
19 However, I was unable to electronically file his brief or this Declaration, because  
20 Mr. Galacki's name has not yet been added to the list of authorized filers for this  
21 case.

22          10.    I will electronically file Mr. Galacki's brief and this Declaration as  
23 soon as the Court's ECF system permits me to do so.  
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I declare under penalty of perjury and the laws of the United States that the foregoing is true and correct and are based on my personal knowledge, except for matters stated on information and belief; and, as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

Executed on July 17, 2011, in Fremont, California.

DATED: July 17, 2011

By:  /s/ GAUTAM DUTTA, ESQ.