

No. 12-16373

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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In re: APPLICATION FOR EXEMPTION FROM ELECTRONIC PUBLIC  
ACCESS FEES BY JENNIFER GOLLAN AND SHANE SHIFFLETT,

JENNIFER GOLLAN; SHANE SHIFFLETT,

Applicants-Appellants.

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On Appeal from the United States District Court  
for the Northern District of California  
D.C. No. 3:12-mc-80113-JW  
(Honorable James Ware)

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**APPLICANT-APPELLANTS' RULE 11-2 NOTICE;  
DECLARATION OF ROCHELLE L. WILCOX**

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**RULE 11-2 NOTICE**

Pursuant to Circuit Rule 11-2 and this Court's Order dated September 17, 2012, Applicants-Appellants respectfully submit this Notice to advise the Court regarding the status of the reporter's transcript in this matter. Applicants-Appellants designated a single transcript, dated April 30, 2012. As explained in the attached Declaration of Rochelle L. Wilcox, the court reporter provided that transcript on September 17, 2012. Thus, the court reporter is not in default in preparing the transcript designated in this matter.

RESPECTFULLY SUBMITTED this 1st day of October, 2012.

LAW OFFICES OF JUDY ALEXANDER  
JUDY ALEXANDER

DAVIS WRIGHT TREMAINE LLP  
THOMAS R. BURKE  
ROCHELLE L. WILCOX

By           /s/ Rochelle L. Wilcox            
Rochelle L. Wilcox

Attorneys for Applicants-Appellants  
JENNIFER GOLLAN and SHANE SHIFFLETT

## DECLARATION OF ROCHELLE L. WILCOX

I, Rochelle L. Wilcox, declare:

1. I am an attorney admitted to practice before the courts of the State of California and before this Court. I am a partner in the law firm of Davis Wright Tremaine LLP, and am one of the attorneys representing Applicants-Appellants JENNIFER GOLLAN and SHANE SHIFFLETT (“Appellants”) in this matter. I have personal knowledge of the matters stated below. I submit this declaration pursuant to Circuit Rule 11-2.

2. In late June 2012, my office designated the transcript dated April 30, 2012 to be prepared in this matter, contacted the Court Reporter to arrange for preparation of the transcript, and paid the fee required to do so. At that time, we learned that the Court Reporter was on a medical leave of absence. However, we were told that she was still complying with requests for transcripts of previously-recorded proceedings, and she agreed to prepare the transcript in this matter.

3. On September 12, 2012, my office contacted the Court Reporter to ascertain the status of the transcript in this matter. Her voicemail message indicated that she was on a medical leave of absence, and my assistant left a voicemail to inquire regarding the status of the transcript designated in this matter.

4. On September 17, 2012, the Court Reporter forwarded to my office the transcript that was designated in this matter, for the proceedings dated April 30, 2012.

I declare under penalty of perjury under the laws of the United States of America that that this declaration was executed on 1st day of October, 2012 at Roseville, California and that the foregoing is true and correct.

/s/ Rochelle L. Wilcox

Rochelle L. Wilcox

9th Circuit Case Number(s) 12-16373

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**CERTIFICATE OF SERVICE**

**When All Case Participants are Registered for the Appellate CM/ECF System**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format)

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**CERTIFICATE OF SERVICE**

**When Not All Case Participants are Registered for the Appellate CM/ECF System**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)