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ELECTION SYSTEMS, INC.
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA / SAN JOSE
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11 **ONLINE POLICY GROUP, NELSON
CHU PAVLOSKY, and LUKE
12 THOMAS SMITH,**

13 **Plaintiffs,**

14 **v.**

15 **DIEBOLD, INCORPORATED, and
16 DIEBOLD ELECTION SYSTEMS,
INC.,**

17 **Defendants.**
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Case No. 03-4913JF

**[PROPOSED] ORDER GRANTING
SUMMARY JUDGMENT IN FAVOR OF
DIEBOLD**

Hearing Date: February 9, 2004
Time: 9:00 a.m.
Courtroom: 3

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This matter, having come before the Court on the Motion of defendants Diebold, Incorporated and Diebold Election Systems, Inc. (collectively, the "Defendants") for Summary Judgment and the Court having reviewed the papers submitted by the parties and having heard oral argument of counsel, and for good cause shown, hereby ORDERS that Defendants' motion is GRANTED.

IT IS SO ORDERED.

Dated: _____, 2004

Honorable Jeremy Fogel
United States District Judge

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