

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

OCT 11 2002

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By S. FastCrow Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF PLACER

SARAH DAVIS,

Plaintiff,

vs.

THE CITY OF AUBURN; WILLIAM
BATTERMAN; GARY BATTERMAN;
LESLIE BATTERMAN; AMERICAN
HONDA MOTOR COMPANY, INC.;
HONDA AUTOMOBILE DIVISION;
AUBURN HONDA; DRYDEN J.
WILSON; and DOES 1-XXX,
inclusive,

Defendants.

CASE NO. SCV9736

ORDER VACATING AND NULLIFYING
ORDER FILED OCTOBER 3, 2002

DEPT: 5
JUDGE: GARBOLINO
Assigned for All
Purposes

ACTION FILED: FEBRUARY 28, 2000
TRIAL DATE: JULY 9, 2002

WHEREAS, the Honda defendants have moved this
Court to reconsider its order of October 3, 2002,

WHEREAS, this Court has agreed to reconsider its order filed
October 3, 2002;

WHEREAS this Court has the authority to modify, vacate and
seal its October 3, 2002 order;

1 WHEREAS, the Court's order of October 3, 2002 is not a final
2 order of this Court.

3 THEREFORE, it is hereby ordered as follows:

4 A. This Court's order filed October 3, 2002, is
5 vacated, rescinded, and ordered to be null and void and of no
6 effect.

7 B. The Court's October 3, 2002, order is an interlocutory
8 order of the Court which was subject to review, reconsideration
9 and modification by the Court. Defendants' motion for
10 reconsideration argues that there are other fact and legal
11 issues, not before the Court as of the date of the order, but
12 which relate to the factual and legal findings in the Court's
13 interlocutory order.

14 C. The Court's vacated order will be sealed and will
15 remain sealed except upon further order of this Court.

16 D. Because the October 3, 2002, order has been vacated
17 and sealed, no party, attorney for any party, or expert or
18 consultant for any party is permitted to testify about the
19 vacated order or any of its contents.

20 E. Further, plaintiff has advised the Court that she
21 withdraws her motion that was the basis for the Court's October
22 3, 2002, order. No inference whatsoever is to be drawn about
23 the reasons for plaintiff's withdrawing her motion and the
24 allegations that led to the vacated order.

25 F. The vacated order cannot be cited as a decision of
26 this Court or relied upon or referred to for any purpose by
27 any person or entity in any action or legal proceeding within
28 or outside the State of California.

1 H. The Court's vacated order, as well as any portion,
2 contents or aspect thereof, shall not be deemed or construed
3 as precedent or law of the case, or be construed as *res*
4 *judicata* or collateral estoppel, in any other action, matter
5 or proceeding, whether within or outside of the State of
6 California.

7 I. All copies of the vacated order, and any portions or
8 excerpts thereof, are permanently sealed by order of the Court
9 and all recipients of this order shall destroy such copies of
10 the vacated order, and any portions or excerpts thereof, in
11 their possession or under their control.

12 J. If any party has provided the vacated order to any
13 retained expert or consultant, the party is directed to obtain
14 and destroy those copies and to advise those experts that the
15 vacated order is null and void and is not to be cited by them
16 for any purpose whatsoever. Further, plaintiff shall obtain
17 an affidavit of compliance from each outside expert and
18 consultant who has received a copy of the vacated order.

19 K. All parties shall destroy all copies of the vacated
20 order and any portions or excerpts thereof, in their
21 possession or under their control.

22 L. Publication of the vacated order or any citation of
23 the vacated order, or any portion or excerpts thereof, to any
24 Court or any party from and after the effective date of this
25 order, is prohibited and shall be reportable to this Court.

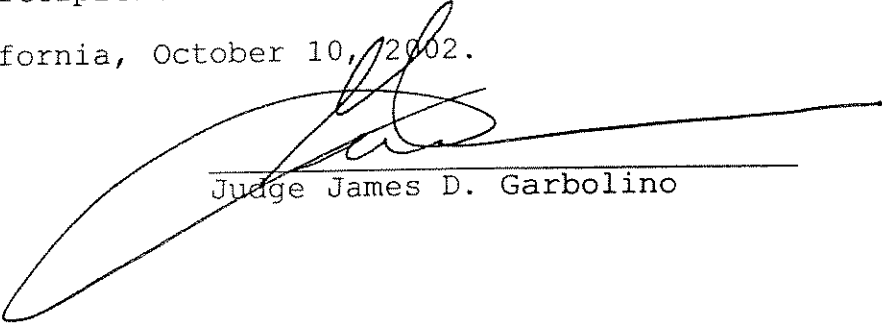
26 M. It is the intent of this Court that this order shall
27 be entitled to full faith and credit to the United States
28 Constitution, in that any Court reviewing this order is

*MAKE GOOD FAITH
EFFORTS
TO*

1 requested to implement and enforce the requirements herein as
2 a matter of comity between courts.

3 N. The parties shall immediately provide a copy of this
4 order to all known recipients of the vacated order.

5 DATED in Roseville, California, October 10, 2002.

6 
7 _____
8 Judge James D. Garbolino
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28