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6 Attorneys for Plaintiff
THE BOARD OF TRUSTEES OF THE
7 LELAND STANFORD JUNIOR UNIVERSITY

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 THE BOARD OF TRUSTEES OF THE)
LELAND STANFORD JUNIOR)
13 UNIVERSITY,)

14 Plaintiff,)

15 vs.)

16 Chiang Fang Chi-yi, and Individual; Chiang)
Yo-mei, an Individual; Chiang Hsiao-chang,)
17 an Individual; Chiang Tsai Hui-mei, an)
Individual; Chiang Yu-sung, an Individual;)
18 Chiang Yo-lan, an Individual; Chiang Yo-bo)
an Individual; Chiang Yo-chang, an)
19 Individual; Chiang Yo-ching an Individual;)
and Chungyan Chan, an Individual,)

20 Defendants.)
21)
22)

Case No. CV 13-04383-EJD-HRL

PLAINTIFF'S EX PARTE
APPLICATION TO RETAIN
DEPOSIT OF RES

Judge: Edward J. Davila

Time: TBD

Date: TBD

23 Plaintiff in the above-entitled U.S. District Court action, The Board of Trustees of
24 the Leland Stanford Junior University ("Stanford University"), by and through its
25 undersigned counsel hereby applies, *ex parte*, for an order pursuant to Civil Local Rule 7-
26 11, directing Plaintiff to retain possession of the *res* at issue in this matter, through the
27 pendency of this litigation.
28

1 Stanford University currently maintains in its possession, 59 boxes of valuable and
2 delicate historical documents, including: the diaries of Chiang Kai-shek, Chiang Ching-kuo,
3 and other historical documents pertaining to the Republic of China. There is a dispute as to
4 the proper ownership of these documents; therefore, Plaintiff now brings an interpleader
5 action to compel an action resolving the dispute. Stanford University is ready and able to
6 deposit the *res* with the Court; however, doing so may lead to the irreversible deterioration
7 of the *res*.

8 Pursuant to 28 U.S.C. § 1335 (a)(2) this Court has jurisdiction in an interpleader
9 action where, amongst other things, Plaintiff has given such surety as the court may deem
10 proper that Plaintiff will comply with a future order or judgment of the court as to the
11 disposition of the *res*. Stanford University claims no ownership right to the *res* and will
12 deposit it as ordered by the Court; however, pending the resolution of this action, Stanford
13 University believes it can provide a secure and controlled environment for the historical
14 materials.

15 In support of this application, Plaintiff attaches the Declaration of Eric Wakin,
16 Director of Library & Archives at the Hoover Institute at Stanford University, and Mark D.
17 Litvack, Esq. counsel for Plaintiff.

18 WHEREFORE, Plaintiff respectfully requests an order directing Plaintiff to retain
19 possession of the *res* until this Court issues a future order or judgment with respect to the
20 ownership of the *res* in this litigation.

21 Dated: October 4, 2013.

22
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28 By _____

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