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SUPREME COURT
FILED

JAN 22 2013

Frank A. McGuire Clerk

Deputy

January 18, 2013

Clerk of the Supreme Court of California
350 Mc Allister Street
San Francisco, CA 94102-4797

In re Sergio C. Garcia on Admission S202512

Pursuant to California Rules of Court, Rule 8.254, Applicant Sergio C. Garcia informs the Court of significant new authority: The PEOPLE EX REL. Dennis J. **HERRERA**, as City Attorney, etc., Plaintiff and Respondent, v. Christopher **STENDER** et al., Defendants and Appellants, California Court of Appeal case number A131625, ___ Cal App 4th ___, (Certified for publication on January 3, 2013; modified on January 16, 2013). No Cal App 4th citation is yet available. The case is also available at 2012 WL 6808475; 2012 Cal. App. LEXIS 1316; and 2013 Daily Journal D.A.R. 120

The *Herrera* case is relevant to Garcia's argument relating to the case of *Gadda v. Ashcroft* (9th Cir.2004) 377 F.3d 934, 946, which argument is in the Garcia opening brief on the merits, filed June 18, 2012, at pages 1,10, and 12; and in Garcia's Response to amicus curiae briefs, filed on September 14, 2012, at pages 2 and 7. *Gadda* is discussed in the *Herrera* case at the end of Section I; no Cal App 4th cite is yet available.

Very truly yours,
FISHKIN & SLATTER LLP

BY: _____
JEROME FISHKIN

Service List Attached

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S202512
Garcia: Bar Misc. 4186

DECLARATION OF SERVICE BY MAIL

I am over the age of 18 years and I am not a party to the within cause. I am employed by Fishkin & Slatter, LLP, and my business address is 1575 Treat Blvd., Walnut Creek, CA 94598, County of Contra Costa. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business. On this day I served the

NOTICE OF SIGNIFICANT AUTHORITY
SERGIO C. GARCIA

by placing a true copy in a sealed envelope with postage fully prepaid, and placing the envelope for collection and mailing on this day, following ordinary business practices, in the County of Contra Costa, California, and addressed to:

SEE ATTACHMENT A

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the date below at Walnut Creek, California.

1/18/2013

DATE

PATRICIA HOEKWATER

ATTACHMENT A

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