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10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 CHEP USA, a New York General
14 Partnership,

15 Plaintiff,

16 vs.

17 ROSALINDA VASQUEZ, doing
18 business as PP Pallets and as Picazo
19 Pallets,

20 PORIFIRIO PICAZO, SR., doing
21 business as PP Pallets and as Picazo
22 Pallets,

23 PORIFIRIO PICAZO, JR., doing
24 business as PP Pallets and as Picazo
25 Pallets, and

26 SOUTH CITY PALLETS, LLC, doing
27 business as PP Pallets and as Picazo
28 Pallets,

Defendants.

No. C 09-02608 VRW

**DECLARATION OF ROY THOMAS KIRK
IN SUPPORT OF PLAINTIFF CHEP
USA'S MOTION FOR DEFAULT
JUDGMENT AGAINST DEFENDANTS
ROSALINDA VASQUEZ, PORIFIRIO
PICAZO, SR., PORFIRIO PICAZO, JR.,
AND SOUTH CITY PALLETS, LLC**

Date: November 5, 2009
Time: 10:00 a.m.
Place: Courtroom 6, 17th Floor

Complaint Filed: June 11, 2009
Trial Date: None Set
Disc. Cut-Off: None Set

Honorable Vaughn R. Walker

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I, Roy Thomas Kirk, declare,

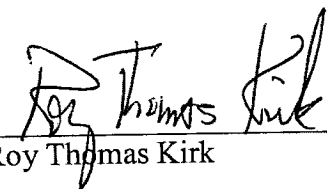
1. I am employed by CHEP International, Inc. as Vice President of Sourcing. I have been employed by CHEP International since April 2007. I have personal knowledge of the matters stated in this declaration and I could and would competently testify to them if called as a witness.

2. Part of my duties and responsibilities is to procure new pallets for CHEP USA to use in its pallet pool. As a result, I have personal knowledge of the replacement cost to CHEP USA for a CHEP pallet.

3. While the cost to replace a CHEP pallet fluctuates slightly on a monthly basis, the average cost, from 2007 through today, to replace a CHEP pallet is \$19.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 21 day of August 2009 at Orlando, Florida.

By 
Roy Thomas Kirk