

**DECLARATION OF  
DIANA KWOK**

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I, DIANA KWOK, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I am an associate at Manatt, Phelps & Phillips, LLP. I have personal, first-hand knowledge of the facts set forth in this Declaration. If called as a witness, I could and would competently testify to these facts under oath.

2. On October 10, 2008, I went to the Los Angeles County Archives, located at 222 North Hill Street, Los Angeles, California 90012, to locate the file for *People v. Roman Polanski*, Case No. A334139 ("File"). After submitting a request to view and copy portions of the File, I was informed by the staff in the Archives Department that the File was missing. The staff informed me that Department 100 of the Los Angeles Superior Court had issued a "case alert" on the File in May 2004, indicating that the File could not be found. The staff also informed me that the File had last been registered in the Court's file tracking system as having been sent to Department 106 of the Los Angeles Superior Court. After receiving this information, I went to Department 100 to speak with the clerk and determine whether the Court had received any updates regarding the status of the File. The clerk informed me that no updates had been received and that the File was still missing. I then submitted a "Search Request" to the Clerk's Department at the Superior Court, but was informed that it was unlikely the File could be found. I have not received any updates from the Court regarding the status of the "Search Request."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 2<sup>nd</sup> day of December, 2008.

  
\_\_\_\_\_  
DIANA KWOK

**PROOF OF SERVICE**

I, C. M. Guitian, declare as follows:

I am employed in Los Angeles County, Los Angeles, California. I am over the age of eighteen years and not a party to this action. My business address is MANATT, PHELPS & PHILLIPS, LLP, 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On December 2, 2008, I served the within:

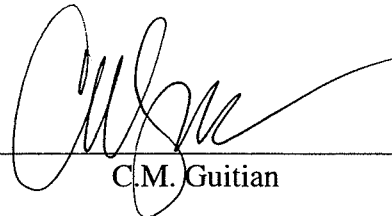
- 1. **REQUEST OF DEFENDANT ROMAN POLANSKI UNDER PENAL CODE SECTION 1385 FOR THE COURT, ON ITS OWN MOTION, TO DISMISS THIS PROSECUTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATIONS OF DOUGLAS DALTON, CHAD HUMMEL, JEFF BERG, AND DIANA KWOK; and**
- 2. **ASSOCIATION OF COUNSEL FOR DEFENDANT ROMAN POLANSKI**

on the interested parties in this action addressed as follows:

Richard Doyle, Esq.  
District Attorney's Office  
Bureau of Fraud & Corruption Prosecutions  
210 West Temple Street, 18th Floor  
Los Angeles, CA 90012

- (BY MAIL)** By placing such document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Manatt, Phelps & Phillips, LLP, Los Angeles, California following ordinary business practice. I am readily familiar with the practice at Manatt, Phelps & Phillips, LLP for collection and processing of correspondence for mailing with the United States Postal Service, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 2, 2008, at Los Angeles, California.

  
C.M. Guitian