

1 MANH NGUYEN, Contestant, In Pro Per  
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SANTA CLARA**  
10 **UNLIMITED JURISDICTION**  
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12 MANH NGUYEN,  
13 Contestant,  
14 v.  
15 LAN DIEP,  
16 Respondent.  
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Case No.  
**CONTESTANT MANH NGUYEN'S  
VERIFIED STATEMENT OF  
ELECTION CONTEST**  
(California Elections Code  
Sections 16100 and 16400)

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21 1. Contestant MANH NGUYEN ("Contestant") is a qualified elector of the  
22 Fourth City Council District of the City of San Jose, California, in which a contested  
23 election for the office of San Jose City Council, Fourth District, was held on Tuesday,  
24 June 7, 2016.

25 2. Defendant LAN DIEP ("Defendant") was declared elected to that office on  
26 July 7, 2016, by the Santa Clara County Registrar of Voters, who had canvassed the  
27 returns for that office.  
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3. This Verified Statement of Contest is filed pursuant to California Elections Code section 16400, on the grounds that, as to the precincts listed below:

- A. The precinct boards or any members thereof were guilty of malconduct (Elections Code section 16100(a));
- B. Illegal votes were cast (Elections Code section 16100(d));
- C. Eligible voters who attempted to vote in accordance with the laws of the state were denied their right to vote (Elections Code section 16100(e));
- D. The precinct boards, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected (Elections Code section 16100(f)); and
- E. There was an error in the vote-counting programs or summation of ballot counts (Elections Code section 16100(g)).

4. The precincts in which the violations of Elections Code sections 16100(a); (d); (e); (f); and (g) occurred were:

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WHEREFORE, Contestant MANH NGUYEN prays:

1. That the election of Defendant LAN DIEP be set aside;
2. That Contestant MANH NGUYEN be adjudged elected;
3. For Contestant's costs of suit herein; and
4. For such other and further relief as may be proper.

Executed at San Jose, California this 1<sup>st</sup> day of August, 2016.

Respectfully Submitted:

By:   
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MANH NGUYEN  
Contestant, In Pro Per

