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SAN JOSE, CALIFORNIA

1 Plaintiff Joseph Ciampi, in pro se  
2 P.O. Box 1681  
3 Palo Alto, California 94302  
4 Phone (650) 248-1634  
5 Email: t.ciampi@hotmail.com

6 Plaintiff Joseph Ciampi, in pro se

7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10  
11 (SAN JOSE DIVISION)  
12

13 LHK

13 JOSEPH CIAMPI

14 Plaintiff,

15 CITY OF PALO ALTO, a government entity;  
16 LYNNE JOHNSON, an individual; CHIEF  
17 DENNIS BURNS, an individual; OFFICER  
18 KELLY BURGER, an individual; OFFICER  
19 MANUEL TEMORES, an individual; OFFICER  
20 APRIL WAGNER, an individual; AGENT DAN  
21 RYAN; SERGEANT NATASHA POWERS,  
22 an individual.

23 Defendants.

) NO. C09-02655 LHK (PSG)  
)  
)  
) **PLAINTIFF'S NOTICE**  
) **REQUESTING APPROPRIATE**  
) **ACTION REGARDING THE**  
) **VIOLATIONS OF LAW AND**  
) **RULES COMMITTED BY**  
) **ATTORNEY STEVEN SHERMAN**  
)  
) **Judge: LUCY H. KOH**  
)  
) **CIV. L.R. 11-4**  
) **CIV. L.R. 11-6**

24 Plaintiff hereby informs the court of possible violations of: Civ. L.R. 11-4 (a)(1)(2)(3)(4),  
25 California state laws, Constitutional violations and California State Bar Rules committed by  
26 attorney Steven Sherman the Defendants counsel of record in this case, C09-02655 being heard  
27 by Judge Lucy H. Koh.  
28

1 Plaintiff believes that Steven Sherman has prejudiced Plaintiff's case by his unlawful  
2 actions. Pursuant to Civ. L.R. 11-6 (a)(1)(2)(3)(4)(5) Plaintiff requests that the court take the  
3 appropriate actions based upon any findings of facts submitted before the court regarding the  
4 allegations of Plaintiff.

5 **ONE:**

6 On January 24, 2011 attorney Steven Sherman submitted Defendant Natasha Powers'  
7 response to Plaintiff's Interrogatories, Set Nine to Plaintiff Ciampi, Exhibit 601. Plaintiff points  
8 out to Defendants in Exhibit 161 of Court Document 109 that a portion of the serial number of  
9 Taser Camera V07-065373 had disappeared while maintained in evidence for the previous two  
10 months. Plaintiff requested that Defendant Powers explain why the serial number disappeared,  
11 Exhibit 603-2. Defendant Powers stated that no changes had occurred to the serial number  
12 between the two inspection dates of October 28, 2010 and December 17, 2010, Exhibit 601.

13 During the December 17, 2010 inspection, attorney Steven Sherman stated that the serial  
14 numbers were being messed up because he was repeatedly attaching and removing a sticker from  
15 the taser camera serial number, Exhibits 600 and 602. Natasha Powers' statement is contradicted  
16 by Steven Sherman's statement and actions.

17 Additionally, there is a portion of the text below the serial number and bar code that was  
18 missing on October 28, 2010 and then somehow reappears on December 17, 2010, Exhibit 603-  
19 3. Defendants and their attorney have not provided any explanation as how this could have  
20 occurred.

21 With the knowledge of attorney Steven Sherman, Defendants have tampered with the  
22 serial number on taser camera V07-065373. This is the taser camera that was downloaded in  
23 January of 2008 as being in possession of Defendant Burger and initially identified by Defendant  
24 Burns, (Court Document 55, line 4 of pg. 4 through line 21 of pg. 5), as the taser camera used by  
25 Defendant Burger to record the March 15, 2008 incident.

**TWO:**

1  
2 Plaintiff Ciampi requested that Defendant Burns provide a copy of Defendant Temores'  
3 MAV recording containing the original "Date of last Modification" of March 15, 2008, for the  
4 only copies provided to Plaintiff Ciampi up to that time had "dates of last modification" of  
5 March 18, 2008 and October 12, 2008. At that time, Plaintiff believed that all copies of the  
6 MAV recordings contained the watermark. Defendant Burns sent Plaintiff Ciampi a copy of  
7 Defendant Temores' MAV recording stating that that the recording contained a "date of last  
8 modification" of March 15, 2008, see Exhibit 52 of Court Document 55. The recording sent to  
9 Plaintiff did not have "date of last modification" of March 15, 2008, but it had a "date of last  
10 modification" of September 3, 2010. Additionally it did not have all of the data necessary to  
11 play the recording. Steven Sherman then states on lines 3 through 7 of pg. 7 of Court Document  
12 59 that the "date of last modification" of Temores' MAV recording is September 3, 2010.  
13 Steven Sherman intentionally attempted to mislead Plaintiff regarding the "date of last  
14 modification" of Temores' MAV recording. This deception was continued through the  
15 inspection process which resulted in Plaintiff amending his Motion to Compel.

**THREE:**

16  
17 On October 19, 2010 during the first inspection of the MAV recordings Plaintiff was  
18 informed by attorney Steven Sherman that Plaintiff could not have a copy of Defendant  
19 Temores' MAV recording containing the original "date of last modification" of March 15, 2008  
20 because that copy contains the watermark which was proprietary in nature.

21 This is a direct contradiction of the statement made by Defendant Burns in Burns'  
22 response to Discovery that he had provided Plaintiff Ciampi a copy of Temores' MAV recording  
23 containing "date of last modification" of March 15, 2008.

24 October 19, 2010 was the first time that Plaintiff was informed by the Defendants that  
25 none of the MAV recordings previously provided to him did not have the watermark.  
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1 Steven Sherman stated on October 22, 2010 that the watermark was of such proprietary  
2 nature that no one other the Defendants could possess copies of the MAV recordings containing  
3 the watermark, see lines 17 through 19 of pg. 2 of Court Document 65.

4 It was discovered through the Discovery process that the watermark on the MAV  
5 recordings are not proprietary to such a degree that the only persons that are authorized to  
6 possess such recordings are the Defendants, see Court Documents 115, 116 and 131.  
7 Defendants' attorney Steven Sherman deliberately and knowingly made a false statement of fact  
8 in order to mislead the court and Plaintiff.

9 **FOUR:**

10 On September 3, 2010 Defendant Burns provided Plaintiff copies of Defendants  
11 Temores' and Burger's taser guns' activation data Exhibits #4 and #6 of Def. Burns' Response to  
12 Request for Production of Documents Set Two, requests numbers five and six, see Exhibits 178  
13 and 179 of Court Document 109. On December 17, 2010 Plaintiff downloaded the taser gun  
14 activation data directly from Defendants' Temores' and Burger's taser guns. A copy of this  
15 activation data was provided to attorney Steven Sherman and was documented by court  
16 videographer Kevin McMahon of McMahon & Associates, LLC; 97 E. ST. James Street Suite  
17 101 San Jose, Ca 95112; phone, 1-408-298-6686; email,  
18 MMCMAHON@MCMAHONVIDEO.COM.

19 Plaintiff provided Defendants copies of the December 17, 2010 taser gun activation data  
20 downloads, Exhibits 175 and 177 of Court Document 109 along with copies previously provided  
21 to Plaintiff by Defendant Burns, Exhibits 178 and 179 of Court Document 109 on December 22,  
22 2010. Attached as Exhibit 604 is a copy of Defendant Dennis Burns' Response To Plaintiff's  
23 Requests For Admissions, Set Nine dated January 24, 2011. Defendant Burns acknowledges that  
24 the activation data between the reports are different, Responses to Requests 2, 3, 12 and 13.

25 On February 10, 2011 Attorney Steven Sherman submitted Exhibits 178 and 179 in  
26 support of Defendants' Motion for Summary Judgment, Court Document 124 to the court as  
27 Exhibits "10" and "11," ¶¶ 13 and 14 of Steven Sherman's Declaration. Steven Sherman  
28

1 submitted these documents fully informed that the information on contained these documents  
2 had been contradicted by direct downloads obtained on December 17, 2010. Attorney Steven  
3 Sherman intentionally attempted to mislead the court regarding the taser gun activation data from  
4 Defendants Temores' and Burger's taser guns.

5 **FIVE:**

6 Pages 20 through 25 of Defendants' Motion for Summary Judgment Court Document 123  
7 Steven Sherman states that Defendants are immune and not liable for the damages caused by  
8 their actions. If this were true then the courts would not have allowed the jury verdicts,  
9 judgments and settlements regarding the same offenses by municipalities and police officers in  
10 other cases including malicious prosecution, defamation, negligence intentional infliction of  
11 emotional distress false arrest, false imprisonment and assault and battery, Exhibit 605. It is  
12 clear that Steven Sherman is attempting to mislead the court in regards to the liability of  
13 Defendants.

14 **SIX:**

15 On lines 17 and 18 of pg. 4 of Defendants' Reply To Plaintiff's Opposition To Motion  
16 For Summary Judgment, Court Document 141, Steven Sherman states, "Nor does Plaintiff refute  
17 the existence of pock marks on his person, and in fact admits their existence." This is flat out lie  
18 made by Attorney Steven Sherman, for Plaintiff has never stated or admitted in any way shape or  
19 form that Plaintiff has pock marks on his person. This is a false statement made about Plaintiff  
20 by Steven Sherman and is in and of itself a defamatory statement made by Steven Sherman.

21 **SEVEN:**

22 On lines 23 through 25 of pg. 4 of Defendants' Reply To Plaintiff's Opposition To  
23 Motion For Summary Judgment, Court Document 141 Steven Sherman implies that Plaintiff  
24 violated Cal. Penal Code 834(a) regarding the March 15, 2008 incident. Again this is a false and  
25 defamatory statement made about Plaintiff by Steven Sherman with the intent to mislead the  
26 court. Penal Code 834 states: "An arrest is taking a person into custody, in a case and in the  
27 manner authorized by law. An arrest may be made by a peace officer or by a private person."  
28

1 Cal. Penal Code 834(a) is a conditional penal code requiring that standard set by Cal.  
 2 Penal Code 834 has been met for Cal. PC 834(a) to be in effect. By only citing Cal. Penal  
 3 Code 834(a) Mr. Sherman knowingly and intentionally submitted an erroneous interpretation of  
 4 the law to the court.

5 Furthermore, Defendants have asserted that they never stated to Plaintiff that Plaintiff  
 6 was under arrest prior to placing handcuffs on Plaintiff during the March 15, 2008 incident. If  
 7 no arrest had occurred, Cal. Penal Code 834(a) cannot be in effect and therefore cannot be  
 8 violated. Two, Cal. Penal Code 834(a) is dependent upon the arrest being made in a case and in  
 9 a manner authorized by law. Even if Plaintiff was arrested, the arrest was unlawful and therefore  
 10 was not authorized by law. Since the arrest was not authorized by law Cal Penal Code 834(a)  
 11 cannot be violated. Lastly, Steven Sherman completely ignores the facts which demonstrate that  
 12 Defendant Burger was using unreasonable and excessive force by torturing Plaintiff with  
 13 electricity for an extended period of time which gives rise to Plaintiff's Constitutional and legal  
 14 right to self-defense; ARTICLE 1 SECTION 1 OF the California Constitution; and California  
 15 Penal Codes 692, 693 and 694.

16 **EIGHT:**

17 On February 8, 2010 Defendants through their attorney Steven Sherman provided  
 18 Plaintiff a copy of the audio recording of the 911 call of the March 15, 2008 incident and the  
 19 radio communications between the officers and the Palo Alto Dispatch as Defendant City of Palo  
 20 Alto's Reponse to Request For Production Of Documents No. 47 of Set One. This CD audio  
 21 recordings are essentially identical to the ones provided to Plaintiff by the Palo Alto Police  
 22 Department during the criminal case, (People v. Ciampi), and submitted into evidence during the  
 23 Pre-Trial Examination Heard by Judge Thang Barrett, as Documented in Steven Sherman's  
 24 Declaration of Steven A. Sherman In Support Of Defendants' Motion for Summary Judgment  
 25 Or, In The Alternative, Summary Adjudication Of Issues, Court Document 125, (Exhibit 4),  
 26 beginning on line 14 of pg. 86 through line 22 of pg. 88, and can also found from pg. 33 through  
 27 pg. 35 in Plaintiff's Exhibit 567-1 of Plaintiff's Declaration in Opposition to Def. Mot. for  
 28

1 Summ. Judg. The recordings are also submitted as evidence during the Pre-Trial Examination  
2 documented The contents of the recordings is commented upon by Judge Thang Barrett in his  
3 ruling as documented on lines 19 through 28 of Exhibit 6/ pg. 163 of Sherman's Decl. In Supp.  
4 Of Def. Mot. for Summ. Judg. Judge Thang Barrett found a finding of fact regarding the  
5 contents of the 911 recording and radio communications call in his ruling on December 17, 2008  
6 as documented from line 15 of pg. 180 through line 1 of pg. 181 of Exhibit 7 of Sherman's Decl.  
7 in Supp. Of Defs. Mot. for Summ. Judg., Court Document 125 and can also be found from line  
8 15 of pg. 126 through line 1 of pg. 127 of Plaintiff's Exhibit 567-1 of Plaintiff's Declaration in  
9 Opposition to Def. Mot. for Summ. Judg.

10 The above mentioned recordings are the ones that Plaintiff submitted to the court as  
11 Exhibits 551 and 552 documented at ¶39 and ¶40 of Declaration Of Joseph Ciampi In Supp. Of  
12 Plts'. Opp. To Defs'. Mot. For Summ Judg..., Court Document 133.

13 In ¶ 21 of Steven Sherman's Declaration of Steven A. Sherman In Support Of  
14 Defendants' Motion for Summary Judgment Or, In The Alternative, Summary Adjudication Of  
15 Issues, Court Document 125, Steven Sherman states, "Attached hereto as Exhibit '18' is a CD  
16 containing the original 911 call into the Palo Alto police dispatch." This exhibit provided to  
17 Plaintiff as a part of Steven Sherman's Declaration is missing nearly half, (50%) of the 911 call  
18 when compared to the exhibit provided to Plaintiff during Plaintiff's criminal case and Discovery  
19 request.

20 It is presumed that the court received an identical exhibit from Steven Sherman regarding  
21 the 911 call to the Palo Alto police dispatch. If this is the case, it can be argued that Steven  
22 Sherman was intentionally attempting to mislead the court regarding a material fact especially  
23 when viewed in light of the convoluted manner in which Mr. Sherman presents to the court the  
24 Pre-Trial Examination transcript and completely excludes the radio communications between the  
25 officers and the Palo Alto dispatch. Mr. Sherman further reveals his intent by attempting to  
26 mislead the court by providing the court a fabricated and falsified document, the CAD report,  
27 Decl. of Steven A. Sherman Exhibit 3. Mr. Sherman states that, "the reporting party's wife and  
28

1 young daughters uncomfortable, they [sic] way he watches them,” as documented from line 18  
2 through 21 of Defs.’ Reply To Plts.’ Opp. To Mot. For Summ. Judg., Court Document 141. The  
3 fact is, the reporting party never stated that Plaintiff was watching his wife and young daughters,  
4 for his wife and daughter were not even living in the home at the time the call was made.  
5 Mr. Sherman has made a false statement of fact to the court by submitting a fabricated document  
6 in order to support his false statement.

7 **NINE:**

8 On lines 13 and 14 of pg. 4 of the JOINT CASE MANAGEMETN STATEMENT, Court  
9 Document 142 Steven Sherman states that, “Plaintiff wants there to be a conspiracy and he  
10 therefore interprets all information in a manner to support such. He is misinformed.” Once  
11 again attorney Steven Sherman has made a speculative and false statement regarding Plaintiff  
12 Ciampi. Plaintiff Ciampi has never stated or made any outward actions which anyone would  
13 could derive that, “Plaintiff wants there to be a conspiracy.” Strictly speaking, Plaintiff has  
14 simply attempted to obtain the facts which Defendants have repeatedly attempted to thwart. The  
15 facts which Plaintiff has obtained and submitted to this court overwhelmingly, clearly and  
16 convincingly prove that several Defendants have acted in concert together to deprive Plaintiff’s  
17 Fourteenth Amendment right of due process and commit several injurious torts against Plaintiff.

18  
19 According to Cal. Penal Code182. (a) “If two or more persons conspire:

20 (1) To commit any crime.

21 (2) Falsely and maliciously to indict another for any crime, or to procure another  
22 to be charged or arrested for any crime.

23 (5) To commit any act injurious to the public health, to public morals, or to  
24 pervert or obstruct justice, or the due administration of the laws.”

25 Not only is a conspiracy being perpetrated by the Defendants, but it appears that their  
26 attorney Steven Sherman is actively involved in that conspiracy based upon his actions of  
27

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1 suppressing and changing the evidence which results in perverting and obstructing justice and  
2 the due administration of laws.

3 California Business and Professions Code 6128 (a) states, "Every attorney is guilty of a  
4 misdemeanor who either: Is guilty of any deceit or collusion, or consents to any deceit or  
5 collusion, with intent to deceive the court or any party."

6 **ONE:** Steven Sherman has violated Bus. & Prof. Code § 6128(a), Bus. & Prof. Code §  
7 6068 (d), Bus. & Prof. Code § 6106 and Cal. State Bar Rule 5-200 (B) by tampering with the  
8 serial number on Taser camera V07-065373.

9 **TWO:** Steven Sherman has violated Cal. Bus. & Prof. Code § 6128(a), Cal. Bus. & Prof.  
10 Code § 6106 and Cal. State Bar Rule 5-200 (B) by sending Plaintiff a copy of Defendant  
11 Temores' MAV recording containing a "date of last modification" of September 3, 2010 when  
12 he and Defendant Burns stated that they sent Plaintiff a copy of Defendant Temores' MAV  
13 recording containing a "date of last modification" March 15, 2008.

14 **THREE:** Steven Sherman has violated Cal. Bus. & Prof. Code § 6128(a), Bus. & Prof.  
15 Code § 6068 (d), Cal. Bus. & Prof. Code § 6106 and Cal. State Bar Rule 5-200 (B) by stating to  
16 the court and Plaintiff that Plaintiff could not have a copy of the MAV recordings containing the  
17 watermark by falsely asserting to the court and Plaintiff that doing so would infringe on the  
18 proprietary rights of Kustom Signals.

19 **FOUR:** Steven Sherman has violated Cal. Bus. & Prof. Code § 6128(a), Bus. & Prof.  
20 Code § 6068 (d), Cal. Bus. & Prof. Code § 6106 and Cal. State Bar Rule 5-200 (B) by knowingly  
21 and intentionally submitting falsified taser gun activation data to the court deceiving the court  
22 and Plaintiff.

23 **FIVE:** It appears that Steven Sherman has violated The State Bar Of California  
24 Rules of Professional Conduct Rule 5-200 (B) & (D) by providing an incomplete and erroneous  
25 interpretation of law regarding the liability of Defendants.

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1 **SIX:** Steven Sherman has violated Bus. & Prof. Code § 6128 and Bus. & Prof. Code, §  
2 6068 (f) by knowingly and intentionally making the false statement that Plaintiff has admitted  
3 that he has pock marks on his person.

4 **SEVEN:** Steven Sherman has violated Bus. & Prof. Code § 6128, Bus. & Prof. Code, §  
5 6068 (f) and State Bar Rule 5-200 (B) by falsely stating that Plaintiff violated Cal. Penal Code  
6 834(a).

7 **EIGHT:** By excluding the radio communications recording and providing an incomplete  
8 911 recording to the court while submitting a fabricated and falsified document Steven Sherman  
9 intentionally attempted to mislead the court regarding a material fact a violation of Bus. & Prof.  
10 Code § 6128(a), Bus. & Prof. Code § 6068 (d), Bus. & Prof. Code § 6106 and Cal. State Bar  
11 Rule 5-200 (B).

12 **NINE:** Steven Sherman has violated Bus. & Prof. Code § 6128 and Bus. & Prof. Code, §  
13 6068 (f) by making the false statement that Plaintiff "wants" a conspiracy.

14 Additionally, it is conceivable based upon the facts presented herein that attorney Steven  
15 Sherman has violated Cal. Bus. & Prof. Code § 6068 (a) & (d), "It is the duty of an attorney to  
16 do all of the following: To support the Constitution and laws of the United States and of this  
17 state; To employ, for the purpose of maintaining the causes confided to him or her those means  
18 only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by  
19 an artifice or false statement of fact or law."

20 Should the court determine that any of the allegations set forth by Plaintiff be found to be  
21 factual, Plaintiff requests that court impose an appropriate disciplinary action pursuant to Civ.  
22 L.R. 11-6 (a)(1)(2)(3)(4)(5).

23 Plaintiff

24 

25 Dated: April 18, 2011

26 Plaintiff Joseph Ciampi

27  
28

1 Plaintiff Joseph Ciampi, in pro se  
2 P.O. Box 1681  
3 Palo Alto, California 94302  
4 Phone (650) 248-1634  
5 Email: t.ciampi@hotmail.com

6  
7  
8 Plaintiff Joseph Ciampi, in pro se

9 UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 (SAN JOSE DIVISION)

12  
13 JOSEPH CIAMPI )

NO. C09-02655 LHK (PSG)

14 )  
15 Plaintiff, )

**DECLARATION OF JOSEPH  
CIAMPI IN SUPPORT OF  
PLAINTIFF'S NOTICE  
REQUESTING APPROPRIATE  
ACTION REGARDING THE  
VIOLATIONS OF LAW AND  
RULES COMMITTED BY  
ATTORNEY  
STEVEN SHERMAN**

16 )  
17 CITY OF PALO ALTO, a government entity; )  
18 LYNNE JOHNSON, an individual; CHIEF )  
19 DENNIS BURNS, an individual; OFFICER )  
20 KELLY BURGER, an individual; OFFICER )  
21 MANUEL TEMORES, an individual; OFFICER )  
22 APRIL WAGNER, an individual; AGENT DAN )  
23 RYAN; SERGEANT NATASHA POWERS, )  
24 an individual. )

Defendants. )  
)  
)  
)  
)

25 In support of Plaintiff's Notice Requesting Appropriate Action Regarding The Violations  
26 Of Law And Rules Committed By Attorney Steven Sherman, I, Joseph Ciampi, declare as  
27 follows:  
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1. I am the Plaintiff in the above-entitled action. I was born in San Francisco, California.

2. I have personal knowledge of all facts stated in this declaration and if called to testify, I could and would testify competently thereto. All exhibits and facts attached herein are based upon the information provided to me by Defendants and other sources.

**EXHIBITS**

3. Attached hereto as Exhibit "600" is a DVD containing a true and correct recording of a portion of the December 17, 2010 inspection at the Palo Alto Police Station.

4. Attached hereto as Exhibit "601" is a true and correct copy of excerpts Defendant Natasha Powers' Response To Plaintiff's Interrogatories, Set Nine.5.

5. Attached hereto as Exhibit "602" is a true and correct copy dialog and photographs of the December 17, 2010 inspection at the Palo Alto Police Station.

6. Attached hereto as Exhibit "603" is a true and correct copy of photographs of the serial number from Taser Camera V07-065373 taken on October 28, 2010 and December 17, 2010.

7. Attached hereto as Exhibit "604" is a true and correct copy of Defendant Dennis Burns' Response to Plaintiff's Requests For Admission, Set Nine

8. Attached hereto as Exhibit "605" are true and correct copies of various judgments and settlements in civil rights cases.

9. Attached as Exhibit 52 to Court Document 55, is a true and correct copy of Defendant Burns' Response to Request No. 1 of Production of Documents Set Two; a photograph of a true and correct copy of Defendant Temores' MAV recording, DVD, sent by Defendant Burns in response to Request No. 1; the "date of last modification" and the amount of memory on the DVD sent by Def. Burns in response to Request No. 1; and email exchanges between Defendants' attorneys and myself.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of September at Palo Alto, California.

Plaintiff

Dated: April 18, 2011



Plaintiff Joseph Ciampi in pro se

Exhibit 600

**EXHIBIT 601**

1 Steven A. Sherman, Esq. Bar No. 113621  
 2 **FERGUSON, PRAET & SHERMAN**  
 3 A Professional Corporation  
 4 1631 East 18th Street  
 5 Santa Ana, California 92705-7101  
 6 (714) 953-5300 Telephone  
 7 (714) 953-1143 Facsimile  
 8 Ssherman@law4cops.com  
 9  
 10 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPH CIAMPI,  
 12 Plaintiff,

13 v.

14 CITY OF PALO ALTO, a government  
 15 entity; LYNNE JOHNSON, an individual;  
 16 CHIEF DENNIS BURNS, an individual;  
 17 OFFICER KELLY BURGER, an individual;  
 18 OFFICER MANUEL TEMORES, an  
 19 individual; OFFICER APRIL WAGNER, an  
 20 individual; AGENT DAN RYAN;  
 21 SERGEANT NATASHA POWERS,  
 22 individual,

23 Defendants.

NO. C09-02655 LHK (PSG)

**DEFENDANT NATASHA  
 POWERS' RESPONSE TO  
 PLAINTIFF'S  
 INTERROGATORIES, SET  
 NINE**

21 PROPOUNDING PARTY: Plaintiff Joseph Ciampi

22 RESPONDING PARTY: Defendant Natasha Powers

23 SET NUMBER: Nine (9)

24 TO PLAINTIFF IN PRO PER:

25 Defendant Natasha Powers responds as follows to your Interrogatories, Set

26 Nine:

27 ///

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7 **INTERROGATORY NO. 3:**

8 As documented in Exhibit 161 provided with this Discovery request a portion  
9 of the serial number of taser camera V07-065373 has disappeared between the  
10 October 28, 2010, inspection and the December 17, 2010 inspection. Please explain  
11 why the serial number attached to taser camera V07-065373 has partially  
12 disappeared between these two inspection dates of less than two months.

13 **RESPONSE TO INTERROGATORY NO. 3:**

14 Objection. This discovery request is argumentative, lacks foundation, and  
15 requires assumptions to ascertain its meaning. It is also vague and ambiguous to  
16 such a degree as to render it unintelligible.

17 However and without waiving said objections, Defendant responds that  
18 Exhibit 161 appears to be an out-of-focus photograph. No changes have occurred to  
19 taser camera V07-065373, nor have any changes been made. The numbers are  
20 becoming more and more worn with handling as part of the repeated inspection  
21 process.

22 **INTERROGATORY NO. 4:**

23 In your Use of Force report You documented two taser probes into evidence  
24 that were still attached the taser wires. Please explain why the two taser probes in  
25 evidence are not attached to the taser wires as documented in Exhibit 162.

26 **RESPONSE TO INTERROGATORY NO. 4:**

27 Objection. This discovery request is argumentative, lacks foundation, and  
28 requires assumptions to ascertain its meaning. It is also vague and ambiguous to  
such a degree as to render it unintelligible.

1 question, the request is irrelevant and unlikely to lead to admissible evidence. The  
2 request is also compound.

3 However and without waiving said objections, Defendant states that the  
4 document(s) provided to Plaintiff are printed "snapshots" of a computer screen. On  
5 the actual computer itself, it is possible to click on a particular field, open a line, and  
6 then drill down deeper into the data. These subcategories contain additional  
7 information.

8 As noted above, based on the question posed, Mr. Hinz will examine the taser  
9 guns and camera, as well as any downloads, reports and storage. This inspection and  
10 its work product are privileged. Defendants will immediately supplement this  
11 response after said inspection.

12 DATED: January 24, 2011

FERGUSON, PRAET & SHERMAN  
A Professional Corporation

13  
14 By:

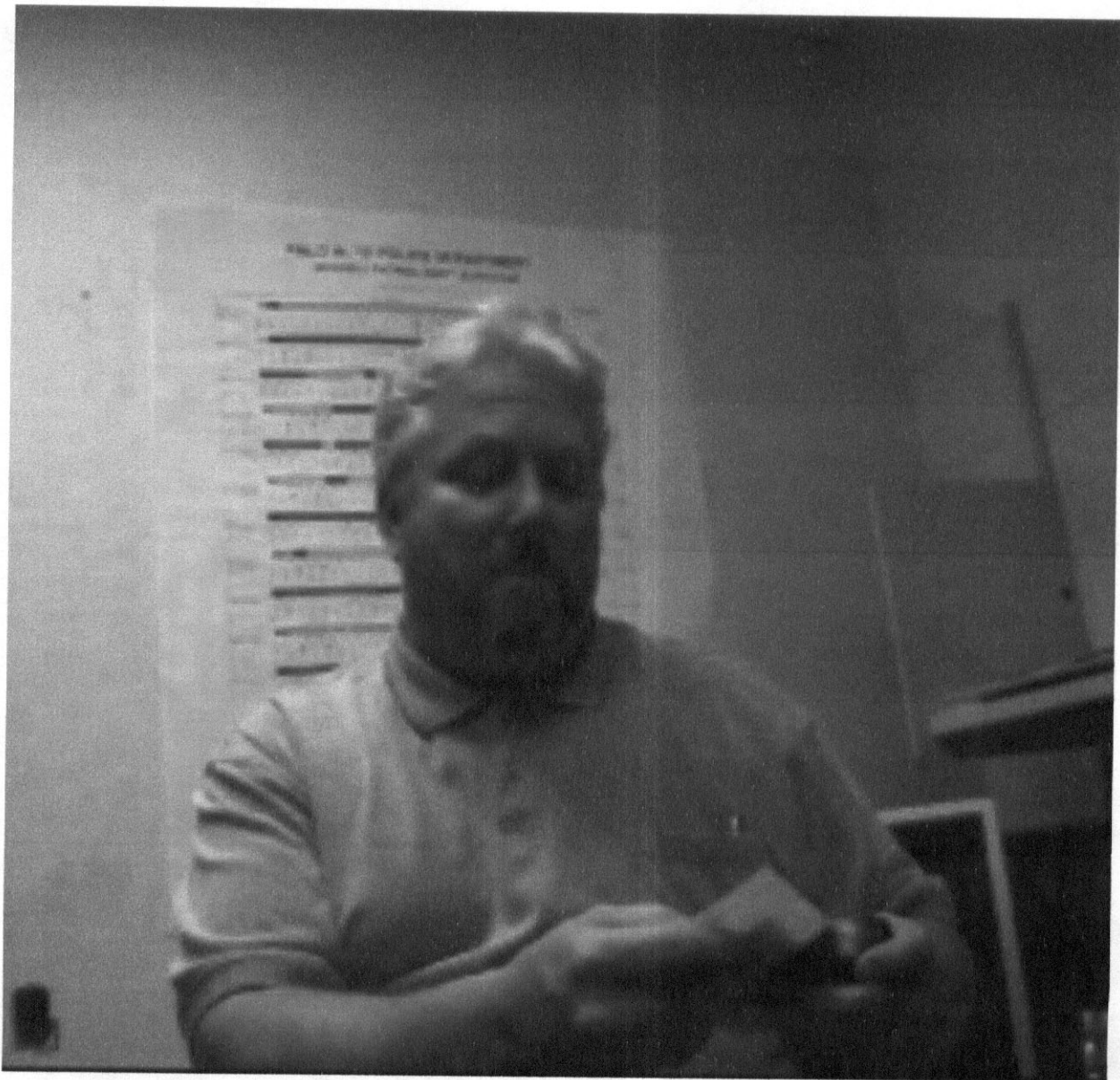
  
15 Steven A. Sherman  
16 Attorneys for Defendants

**EXHIBIT 602**

Exhibit 600 is a short video documenting a portion of the December 17, 2010 inspection of the Taser guns and Taser Cameras at the Palo Alto Police Station.

At the 2:42 mark of Exhibit 600 Defendants' attorney Steven Sherman states the following:

"Were going to have to put this, (Taser Camera V07-065373), into an envelope because **we're messing up the numbers** some of it could be my fault from sticking this sticker on the wrong side all day long and pulling it off, but we may be pulling off the number, the ink on it.





**EXHIBIT 603**

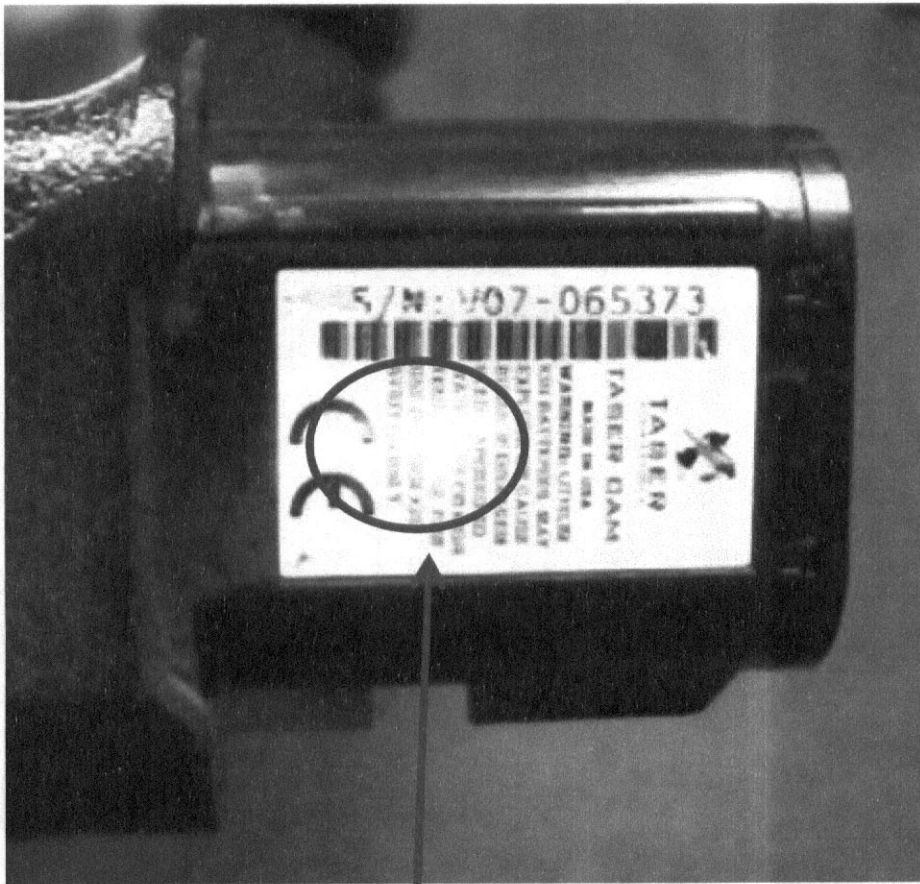


October 28, 2010  
photo of taser camera  
V07-065373

Plaintiff Ciampi was informed by attorney Steven Sherman that this camera was kept in evidence between October 28, 2010 and December 17, 2010.

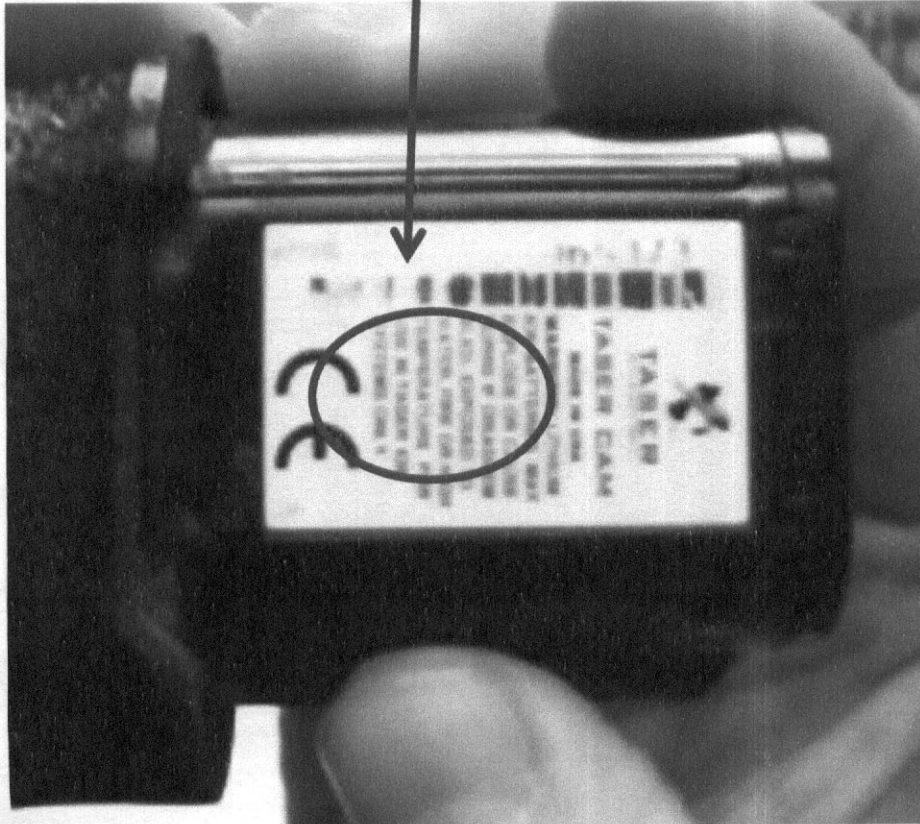


December 17, 2010  
photo of taser camera  
V07-065373



October 28, 2010  
photo of taser camera  
V07-065373

Some of the text is  
missing in the lower  
middle part of the  
label



December 17, 2010  
photo of taser camera  
V07-065373.

Somehow the text that  
was missing on  
October 28, 2010 has  
been restored to the  
label on December 17,  
2010.

**CONCLUSION:**

It appears that the later  
label was added to the  
taser camera for it would  
seem physically  
impossible to add the text  
to a Serial Number label  
after it has already been  
affixed to a taser camera.



Exhibit 604

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Steven A. Sherman, Esq. Bar No. 113621  
**FERGUSON, PRAET & SHERMAN**  
A Professional Corporation  
1631 East 18th Street  
Santa Ana, California 92705-7101  
(714) 953-5300 Telephone  
(714) 953-1143 Facsimile  
Ssherman@law4cops.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH CIAMPI,  
Plaintiff,

v.

CITY OF PALO ALTO, a government  
entity; LYNNE JOHNSON, an individual;  
CHIEF DENNIS BURNS, an individual;  
OFFICER KELLY BURGER, an individual;  
OFFICER MANUEL TEMORES, an  
individual; OFFICER APRIL WAGNER, an  
individual; AGENT DAN RYAN;  
SERGEANT NATASHA POWERS,  
individual,  
Defendants.

NO. C09-02655 LHK (PVT)

**DEFENDANT DENNIS BURNS'  
RESPONSE TO PLAINTIFF'S  
REQUESTS FOR ADMISSION,  
SET NINE**

PROPOUNDING PARTY: Plaintiff Joseph Ciampi  
RESPONDING PARTY: Defendant Dennis Burns  
SET NUMBER: Nine (9)

TO PLAINTIFF IN PRO PER:

Defendant Dennis Burns responds as follows to your Requests for Admission,  
Set Nine (9):

604-11

1       **REQUEST NO. 1:**

2               Admit that you provided Plaintiff Ciampi Defendant Burger's taser gun's,  
3 (X00-292463) Weapon Summary and Firing data, (activation data), as a part of your  
4 Response to Production of Documents and other Evidence Set 2.

5       **RESPONSE TO REQUEST NO. 1:**

6               Objection. This discovery request is argumentative, lacks foundation, and  
7 requires assumptions to ascertain its meaning. Further, the request is vague and  
8 ambiguous to such a degree as to render it unintelligible.

9               However and without waiving said objections, Defendant admits said request.  
10 Please see Defendant's Response to Plaintiff's Production Demand, Set 2, Exhibit 6.

11       **REQUEST NO. 2:**

12               Admit Defendant Burger's report attached with this Discovery Request as  
13 Exhibit 178 documents that Defendant Burger fired his taser gun 141 times.

14       **RESPONSE TO REQUEST NO. 2:**

15               Objection. This discovery request is argumentative, lacks foundation, and  
16 requires assumptions to ascertain its meaning. Further, the request is vague and  
17 ambiguous to such a degree as to render it unintelligible. Additionally, the request is  
18 vague as to the term "fired" so as to call for speculation to the true meaning of the  
19 word.

20               However and without waving said objections, Defendant admits that Exhibit  
21 178, which concerns taser gun X00-292463 shows a combined activation count of  
22 141 for the period of 2007-2008. This taser was assigned to Officer Burger on  
23 March 15, 2008. Defendant is unable to admit or deny that it was Officer Burger  
24 who activated/fired the weapon 141 times.

25       **REQUEST NO. 3:**

26               Admit that Defendant Burger's taser gun's, (X00-292463) Weapon Summary  
27 and Firing data, (activation data), provided to Plaintiff Ciampi during the December  
28 17, 2010 inspection, attached to this Discovery Request as Exhibit 175 documents

1 that Defendant Burger fired his taser gun 91 times.

2 **RESPONSE TO REQUEST NO. 3:**

3 Objection. This discovery request is argumentative, lacks foundation, and  
4 requires assumptions to ascertain its meaning. Further, the request is vague and  
5 ambiguous to such a degree as to render it unintelligible.

6 However and without waving said objections, Defendant admits that Exhibit  
7 175, which concerns taser gun X00-292463 shows an activation count of 91 for the  
8 time period of 2008. This taser was assigned to Officer Burger on March 15, 2008.  
9 Defendant is unable to admit or deny that it was Officer Burger who activated/fired  
10 the weapon 91 times.

11 **REQUEST NO. 4:**

12 Admit that Defendant Burger's Weapon Summary and Firing data, Exhibit  
13 178, that you provided to Plaintiff is contradicted by the report of Defendant Burger's  
14 Weapon Summary and Firing data, Exhibit 175, obtained on December 17, 2010.

15 **RESPONSE TO REQUEST NO. 4:**

16 Objection. This discovery request is argumentative, lacks foundation, and  
17 requires assumptions to ascertain its meaning. Further, the request is vague and  
18 ambiguous to such a degree as to render it unintelligible.

19 However and without waving said objections, Defendant denies said request.

20 **REQUEST NO. 5:**

21 Admit that the earlier report, Exhibit 178, of Defendant Burger's taser gun  
22 firings doubles the number of firings from Sequence 3 through Sequence 54.

23 **RESPONSE TO REQUEST NO. 5:**

24 Objection. This discovery request is argumentative, lacks foundation, and  
25 requires assumptions to ascertain its meaning. Further, the request is vague and  
26 ambiguous to such a degree as to render it unintelligible.

27 However and without waving said objections, Defendant denies said request  
28 as they are for different time periods.

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**REQUEST NO. 6:**

Admit that a taser gun's Data Port retains approximately the last 1,500 firings in its memory log.

**RESPONSE TO REQUEST NO. 6:**

Objection. This discovery request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is vague and ambiguous to such a degree as to render it unintelligible.

Furthermore, the phrases "taser gun" "data port" "retains" "firings" and "memory log" are undefined and require speculation as to their meaning and interpretation.

However and without waiving said objections, while such may be true as there are several different types of tasers, Defendant lacks sufficient information to admit or deny this request.

**REQUEST NO. 7:**

Admit that you provided Plaintiff Ciampi a falsified report, Exhibit 178, in order to conceal that the Data Port from taser gun X00-292463 is missing numerous firings from September 8, 2007 through December 28, 2008.

**RESPONSE TO REQUEST NO. 7:**

Objection. This discovery request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is vague and ambiguous to such a degree as to render it unintelligible.

Furthermore, the phrases "falsified report" and "numerous firings" are undefined and require speculation as to their meaning and interpretation.

However and without waiving said objections, Defendant denies said request.

**REQUEST NO. 8:**

Admit that the Data Port retained in taser gun X00-292463 is not the Data Port that recorded the March 15, 2008 incident.

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604-4-1

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**RESPONSE TO REQUEST NO. 8:**

Objection. This discovery request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is vague and ambiguous to such a degree as to render it unintelligible.

Furthermore, the phrases "retained" and "recorded" are undefined and require speculation as to their meaning and interpretation.

However and without waiving said objections, Defendant denies said request.

**REQUEST NO. 9:**

Admit that you authorized the destruction of the actual activation data retained on the taser gun used by Defendant Burger during the March 15, 2008 incident.

**RESPONSE TO REQUEST NO. 9:**

Objection. This discovery request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is vague and ambiguous to such a degree as to render it unintelligible.

Furthermore, the phrases "authorized", "destruction" and "retained" are undefined and require speculation as to their meaning and interpretation.

However and without waiving said objections, Defendant denies said request.

**REQUEST NO. 10:**

Admit that taser gun X00-292463 is not the taser gun that Defendant Burger used during the March 15, 2008 incident.

**RESPONSE TO REQUEST NO. 10:**

Objection. This discovery request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is vague and ambiguous to such a degree as to render it unintelligible.

However and without waiving said objections, Defendant denies said request.

///

604-5-1

1 **REQUEST NO. 11:**

2 Admit that you provided Plaintiff Ciampi Defendant Temores' taser gun's,  
3 (X00-292417) Weapon Summary and Firing data, (activation data), as a part of your  
4 Response to Production of Documents and other Evidence Set 2.

5 **RESPONSE TO REQUEST NO. 11:**

6 Objection. This discovery request is argumentative, lacks foundation, and  
7 requires assumptions to ascertain its meaning. Further, the request is vague and  
8 ambiguous to such a degree as to render it unintelligible.

9 However and without waiving said objections, Defendant admits. Please see  
10 Defendant's Response to Plaintiff's Production Demand, Set 2, Exhibit 4.

11 **REQUEST NO. 12:**

12 Admit Defendant Temores' report attached with this Discovery Request as  
13 Exhibit 179 documents that Defendant Temores fired his taser gun 144 times.

14 **RESPONSE TO REQUEST NO. 12:**

15 Objection. This discovery request is argumentative, lacks foundation, and  
16 requires assumptions to ascertain its meaning. Further, the request is vague and  
17 ambiguous to such a degree as to render it unintelligible.

18 However and without waving said objections, Defendant admits that Exhibit  
19 179, which concerns taser gun X00-292417 shows a combined activation count of  
20 144 for the period of 2007-2008. This taser was assigned to Officer Temores on  
21 March 15, 2008. Defendant is unable to admit or deny that it was Officer Temores  
22 who activated/fired the weapon 144 times.

23 **REQUEST NO. 13:**

24 Admit that Defendant Temores' taser gun's, (X00-292417) Weapon Summary  
25 and Firing data, (activation data), provided to Plaintiff Ciampi during the December  
26 17, 2010 inspection, attached to this Discovery Request as Exhibit 177 documents  
27 that Defendant Temores fired his taser gun 107 times.

28 ///

1       **RESPONSE TO REQUEST NO. 13:**

2               Objection. This discovery request is argumentative, lacks foundation, and  
3 requires assumptions to ascertain its meaning. Further, the request is vague and  
4 ambiguous to such a degree as to render it unintelligible.

5               However and without waving said objections, Defendant admits that Exhibit  
6 177, which concerns taser gun X00-292417 shows an activation count of 107 for the  
7 time period of 2008. This taser was assigned to Officer Temores on March 15, 2008.  
8 Defendant is unable to admit or deny that it was Officer Teores who activated/fired  
9 the weapon 107 times.

10       **REQUEST NO. 14:**

11               Admit that Defendant Temores' Weapon Summary and Firing data, Exhibit  
12 179, that you provided to Plaintiff is contradicted by the report of Defendant  
13 Temores' Weapon Summary and Firing data, Exhibit 177, obtained on December 17,  
14 2010.

15       **RESPONSE TO REQUEST NO. 14:**

16               Objection. This discovery request is argumentative, lacks foundation, and  
17 requires assumptions to ascertain its meaning. Further, the request is vague and  
18 ambiguous to such a degree as to render it unintelligible.

19               However and without waving said objections, Defendant denies said request.

20       **REQUEST NO. 15:**

21               Admit that the earlier report, Exhibit 179, of Defendant Temores taser gun  
22 firings doubles the number of firings from Sequence 3 through Sequence 74.

23       **RESPONSE TO REQUEST NO. 15:**

24               Objection. This discovery request is argumentative, lacks foundation, and  
25 requires assumptions to ascertain its meaning. Further, the request is vague and  
26 ambiguous to such a degree as to render it unintelligible.

27               However and without waving said objections, Defendant denies said request.

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**REQUEST NO. 16:**

Admit that you provided Plaintiff Ciampi a falsified report, Exhibit 179, in order to conceal that the Data Port from taser gun X00-292417 is missing numerous firings from September 8, 2007 through December 26, 2008.

**RESPONSE TO REQUEST NO. 16:**

Objection. This discovery request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is vague and ambiguous to such a degree as to render it unintelligible.

Furthermore, the phrases "falsified report" and "numerous firings" are undefined and require speculation as to their meaning and interpretation.

However and without waiving said objections, Defendant denies said request.

**REQUEST NO. 17:**

Admit that firings documented in Defendants Temores' and Burger's Weapon Summary reports, Exhibits 178 and 179 were doubled in order to conceal the missing firings.

**RESPONSE TO REQUEST NO. 17:**

Objection. This discovery request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is vague and ambiguous to such a degree as to render it unintelligible.

Furthermore, the phrases "falsified report" and "numerous firings" are undefined and require speculation as to their meaning and interpretation.

However and without waiving said objections, Defendant denies said request.

**REQUEST NO. 18:**

Admit that the Data Port retained in taser gun X00-292417 is not the Data Port that recorded the March 15, 2008 incident.

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604-8-1

1 **RESPONSE TO REQUEST NO. 18:**

2 Objection. This discovery request is argumentative, lacks foundation, and  
3 requires assumptions to ascertain its meaning. Further, the request is vague and  
4 ambiguous to such a degree as to render it unintelligible.

5 Furthermore, the phrases "retained" and "recorded" are undefined and require  
6 speculation as to their meaning and interpretation.

7 However and without waiving said objections, Defendant denies said request.  
8

9 **REQUEST NO. 19:**

10 Admit that you authorized the destruction of the actual activation data retained  
11 on the taser gun used by Defendant Temores during the March 15, 2008 incident.

12 **RESPONSE TO REQUEST NO. 19:**

13 Objection. This discovery request is argumentative, lacks foundation, and  
14 requires assumptions to ascertain its meaning. Further, the request is vague and  
15 ambiguous to such a degree as to render it unintelligible.

16 Furthermore, the phrases "authorized", "destruction" and "retained" are  
17 undefined and require speculation as to their meaning and interpretation.

18 However and without waiving said objections, Defendant denies said request.  
19

19 **REQUEST NO. 20:**

20 Admit that you conspired with some of the other defendants listed in this  
21 federal law suit to have the video evidence of the March 15, 2008 incident falsified  
22 with in order to conceal Defendants Wagner's, Temores' and Burger's unlawful  
23 actions and to wrongfully incriminate Plaintiff Ciampi with the falsified evidence.

24 **RESPONSE TO REQUEST NO. 20:**

25 Objection. This discovery request is argumentative, lacks foundation, and  
26 requires assumptions to ascertain its meaning. Further, the request is vague and  
27 ambiguous to such a degree as to render it unintelligible.

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Furthermore, the phrases "conspired", "some of the other defendants", "video evidence", "falsified", "conceal", "unlawful actions" and "wrongfully incriminate" are undefined and require speculation as to their meaning and interpretation.

However and without waiving said objections, Defendant denies said request.

DATED: January 24, 2011

FERGUSON, PRAET & SHERMAN  
A Professional Corporation

By:



Steven A. Sherman  
Attorneys for Defendants

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Cathy Sherman, employed in the aforesaid County, State of California; I am over the age of 18 years and not a party to the within action. My business address is 1631 East 18th Street, Santa Ana, California 92705-7101.

On January 24, 2011, I served the DEFENDANT DENNIS BURNS' RESPONSE TO PLAINTIFF'S REQUESTS FOR ADMISSION, SET NINE on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Joseph Ciampi  
P.O. Box 1681  
Palo Alto, CA 94302  
650-468-3561  
t.ciampi@hotmail.com

XXX (By Mail) I placed such envelope for deposit in accordance with office practice, sealed, with postage thereon fully paid and the correspondence to be deposited in the United States mail at Santa Ana, California on the same day.


— (By e-filing) The above noted individuals are registered with the Court to receive notice of electronically filed documents. Per ECF rules, hard copies must be served only on parties who are not set up for electronic notification.

— (By Personal Service) I caused such envelope to be delivered by hand to the office of the addressee.

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

XXX (Federal) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 24, 2011, at Santa Ana, California

  
\_\_\_\_\_  
Cathy Sherman

604 -11-

**EXHIBIT 605**

Experts in Verdictsearch.com - Windows Internet Explorer

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Experts in Verdictsearch.com

**Civil Rights** [View full case report](#)

**Award:** \$4,470,430.00 | Verdict-Plaintiff

**Case Types:** Civil Rights - Police as Defendant | Intentional Torts - False Arrest | Intentional Torts - Intentional Infliction of Emotional Distress | Intentional Torts - Defamation | Agency/Apparent Agency - Respondeat Superior | Damages - Punitive

**Case:** Patrick Gillan v. Sgt. Eugene Street, Lt. Christopher Peterson, Chief Art Farris, San Marino Police Department, City of San Marino

**Venue:** Superior Court of Los Angeles County, Los Angeles

**State:** CA

**Date:** January 20, 2005

**Experts:** Roger A. Clark (San Diego CA) *Police Practices & Procedures*

**Summary:** The plaintiff is Patrick Gillan, a 38-year-old girls' high school basketball coach for the San Marino Unified School District, where he's also a teacher's aid.  
In 2000/2001, Taylor Bouchard was a...

Experts in Verdictsearch.com - Windows Internet Explorer

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Experts in Verdictsearch.com

his car into a snow bank on Anita Drive, South Lake Tahoe Police Department Officer Deanna Le...

**Civil Rights** [View full case report](#)

**Award:** \$15,000,003.00 | Verdict-Plaintiff

**Case Types:** Civil Rights - 42 USC 1983 | Civil Rights - Unlawful Arrest | Government | Constitutional Law - Fourteenth Amendment | Fourth Amendment

**Case:** Edward Ortiz, Paul Harper and Brian Liddy v. City of Los Angeles

**Venue:** United States District Court, Central District, Santa Ana

**State:** CA

**Date:** February 09, 2006

**Experts:** Roger A. Clark (Santee CA) *Police Practices & Procedures*

**Summary:** In April 2000, plaintiffs Los Angeles police Sgt. Edward Ortiz, Sgt. Brian Liddy and Officer Paul Harper, ages not disclosed, were implicated in a scandal stemming from allegations by Officer Rafael P...

Experts in Verdictsearch.com - Windows Internet Explorer

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WEB SEARCH

Experts in Verdictsearch.com

**Civil Rights** [View full case report](#)

**Award:** \$18,000,000.00 | Verdict-Plaintiff

**Case Types:** Civil Rights - Police as Defendant | Intentional Torts - Malicious Prosecution | Fourth Amendment - Search and Seizure | Government - Counties | Government - Police | Government | Intentional Torts - False Arrest | Civil Rights - Illegal Detention Without Reasonable Suspicion | Civil Rights | Constitutional Law - Search and Seizure | Intentional Torts - False Arrest and Malicious Prosecution

**Case:** Raul Ramirez v. Los Angeles County Sheriff's Dept., County of Los Angeles, Frank Bravo

**Venue:** United States District Court, Central District, Los Angeles

**State:** CA

**Date:** February 16, 2006

**Experts:** Roger A. Clark (Santee CA) *Police Practices & Procedures*

**Summary:** On Jan. 10, 2003, plaintiff Raul Ramirez, 26, a special education teacher, was arrested and for the kidnapping and assault of a 16-year-old girl on Compton Boulevard in South Los Angeles. The victim ...

Experts in Verdictsearch.com - Windows Internet Explorer

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Experts in Verdictsearch.com

**Government** [View full case report](#)

**Award:** \$318,900.00 | Verdict-Plaintiff

**Case Types:** Government - Excessive Force | Civil Rights - 42 USC 1983 | Intentional Torts - Battery | Negligence

**Case:** Roberto Vargas v. Robert Medrano and County of Los Angeles

**Venue:** Superior Court of Los Angeles County

**State:** CA

**Date:** April 21, 2006

**Experts:** Roger Clark (Santee CA) *Police Practices & Procedures*

**Summary:** On Oct. 17, 2004, Roberto Vargas, 20, a carpenter, was standing at the intersection of Hooper and 76th street in Los Angeles when he was shot in the torso by Los Angeles Police Officer Robert Medrano....

Experts in Verdictsearch.com - Windows Internet Explorer

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Medrano...

### Government

[View full case report](#)

**Award:** \$250,000.00 | Settlement

**Case Types:** Government - Excessive Force | Civil Rights - 42 USC 1983

**Case:** Estate of Ricardo Escobedo, Tracey Gagey as guardian ad litem for Devin Alexander Escobedo, a minor, Denise Giudici, as guardian ad litem for Justin Ricardo Giudici, a minor, v. City of Redwood City, a municipal corporation, James Bertellotti, Kenneth Faljean, Russ Federico, John Cary, Keith Harper, Enrico Mendoza, Daniel Sharp and Steve Switzer

**Venue:** United States District Court, Northern District, Eureka

**State:** CA

**Date:** May 08, 2006

**Experts:** Roger A. Clark (San Jose CA) *Use of Force*

**Summary:** On November 17, 2003, two police officers went to the home of Denise Giudici in Redwood City in response to her call for help. Ricardo Escobedo, 39, who was the father of Giudici's 9-year-old child, h...

Experts in Verdictsearch.com - Windows Internet Explorer

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### Constitutional Law

[View full case report](#)

**Award:** \$2,800,000.00 | Mediated Settlement

**Case Types:** Constitutional Law - Fourteenth Amendment | Fourth Amendment - Search and Seizure | Negligence | Government - Municipal Statute | Negligence - Negligent Training | Negligence - Negligent Supervision

**Case:** Jose Beas, By His Conservator Celida Beas, R.B., a Minor, By His Guardian Ad Litem, Celida Beas, M.B., a Minor By Him Guardian Ad Litem, Celida Beas, C.G.B., a Minor By Her Guardian Ad Litem, Celida Beas and Celida Beas v. County of Los Angeles, County of Los Angeles Sheriffs Dept., Lee Baca, Chun Ha, Marion Seaton, Deputy Chinnis, Deputy Orosco, Deputy G. Jurado, Deputy R. Arrieta, Richard Ruiz, Gilbert Jimenez, Sgt. Powers, Sgt. Martin and Does 17- 50 Inclusive

**Venue:** United States District Court, Central District, Los Angeles

**State:** CA

**Date:** December 19, 2006

**Experts:** Roger A. Clark (Los Angeles CA) *Jail Standards & Safety*

**Summary:** On Dec. 8, 2003, plaintiff Jose Beas, 38, a machine operator, was arrested at his Los Angeles home by Deputy Jurado and charged with unlawful sexual penetration, following a complaint by two parents t...



Experts in Verdictsearch.com - Windows Internet Explorer

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Experts in Verdictsearch.com

**Civil Rights**

[View full case report](#)

**Award:** \$6,058,000.00 | Verdict-Plaintiff

**Case Types:** Civil Rights - 42 USC 1983 | Fourth Amendment - Search and Seizure | Intentional Torts - False Arrest | Intentional Torts - False Imprisonment | Intentional Torts - Intentional Infliction of Emotional Distress

**Case:** Torry Smith and Patricia Gray vs. City of Oakland, a municipal corporation; J. Parkinson, individually and in his capacity as a police officer for the City of Oakland; M. Midyett, individually and in his capacity as a police officer for the City of Oakland

**Venue:** United States District Court, Northern District, San Francisco

**State:** CA

**Date:** November 30, 2007

**Experts:** Roger Clark (San Diego CA) *Police Practices & Procedures*

**Summary:** On Sept. 10, 2004, plaintiff Torry Smith, 24, a part-time retail clerk, and his girlfriend, Patricia Gray, 29, unemployed, were at their residence on Holly Street in Oakland, when city police officers...

Experts in Verdictsearch.com - Windows Internet Explorer

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Experts in Verdictsearch.com

**Civil Rights**

[View full case report](#)

**Award:** \$4,458,644.00 | Verdict-Plaintiff

**Case Types:** Civil Rights - 42 USC 1983 | Intentional Torts - Battery | Intentional Torts - Assault and Battery | Government - Excessive Force | Intentional Torts - False Arrest | Intentional Torts - False Imprisonment | Intentional Torts - False Arrest and Malicious Prosecution | Intentional Torts - Malicious Prosecution | Negligence - Negligent Training | Intentional Torts - Conspiracy | Intentional Torts - Assault

**Case:** Gerardo Cazares, an individual; Marcelo Moreno, an individual v. City of Bell Gardens, a public entity; Bell Gardens police officer Michael Cox; Bell Gardens police officer Baños, first name unknown; Bell Gardens police officer Sergio Tiscareno; Bell Gardens police officer Rick McCraner; Bell Gardens police officer Rene Ruiz, and Does 1 through 10, inclusive

**Venue:** United States District Court, Central District, Los Angeles

**State:** CA

**Date:** April 14, 2008

**Experts:** Roger Clark (Los Angeles CA) *Police Practices & Procedures*

**Summary:** On Oct. 30, 2005, at approximately 12:30 a.m., plaintiffs Gerardo Cazares and his father-in-law Manuel Moreno were having a Halloween costume party in their front yard in Bell Gardens, when police off...

Experts in Verdictsearch.com - Windows Internet Explorer

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### Negligence [View full case report](#)

**Award:** \$11,452,039.00 | Verdict-Plaintiff

**Case Types:** Negligence - Police as Defendant | Intentional Torts - Battery | Government - Police

**Case:** Pablo Gomez v. City of San Diego, Joseph De Veaux and Does 1-20

**Venue:** Superior Court of San Diego County, San Diego

**State:** CA

**Date:** September 08, 2008

**Experts:** Roger Clark (San Diego CA) *Police Practices & Procedures*

**Summary:** On Jan. 4, 2006, plaintiff Pablo Gomez, 26, a file clerk for a law firm, was involved in a fight in San Diego's Gaslamp Quarter. City of San Diego Police Department officer Joseph De Veaux arrived at ...

**VERDICT** *of the* **WEEK****U.S. DIST. CT. LOS ANGELES****FALSE ARREST****Police as Defendant — Fourth Amendment****Cop manipulated evidence,  
coached witness****VERDICT**            **\$18,000,000**

**CASE**                Raul Ramirez v. Los Angeles  
County Sheriff's Dept., County of  
Los Angeles, Frank Bravo,  
No. 2:04-cv-06102-GAF-FMO

**COURT**             United States District Court, Central  
District, Los Angeles, CA

**JUDGE**             Gary A. Feess

**NEUTRAL(S)**       Eric Younger (mediator)

**DATE**                2/16/2006

**PLAINTIFF**

**ATTORNEY(S)**     Michael Artan (lead), Michael H. Artan,  
Lawyer, APC, Los Angeles, CA  
Michael J. Olecki, Grodsky & Olecki LLP,  
Santa Monica, CA  
Michael Sobel, Michael Sobel,  
Beverly Hills, CA

**DEFENSE**

**ATTORNEY(S)**     Donald R. Beck (lead), Manning & Marder,  
Kass, Ellrod, Ramirez LLP, Los Angeles, CA  
Patrick L. Hurley, Manning & Marder,  
Kass, Ellrod, Ramirez LLP, Los Angeles, CA

**FACTS & ALLEGATIONS** On Jan. 10, 2003, plaintiff Raul Ramirez, 26, a special education teacher, was arrested and for the kidnapping and assault of a 16-year-old girl on Compton Boulevard in South Los Angeles. The victim identified his car and later picked Ramirez' face out of a group of photographs.

On Jan. 14, Ramirez pleaded not guilty to charges of kidnapping to commit forcible oral copulation, making criminal threats, using a tear gas weapon and assault with a firearm. Ramirez was accused of coercing the victim into his car at gunpoint while she was waiting for a school bus and then driving her to another location to perform a sex act. The victim managed to escape despite the suspect's use of pepper spray against her.

A jury acquitted Ramirez and a judge also ruled that Ramirez was factually innocent based largely on cell phone and ATM records demonstrating that Ramirez was miles from the scene

at the time of the kidnapping.

Claiming his civil rights were violated, Ramirez sued Los Angeles County, the Los Angeles County Sheriff's Dept. and the lead detective in the case, Frank Bravo, for violating state and federal laws protecting against false arrest; for state and federal laws against malicious prosecution; a federal law against illegal search; and California Civil Code 52.1 against interference with constitutional rights.

Plaintiff counsel argued that there was never probable cause for police to arrest or search Ramirez; that Bravo built a false case against Ramirez; and that the sheriff's department did nothing to stop Bravo.

Plaintiff's counsel alleged that Bravo, a 20-year veteran of the police force, intentionally and maliciously hid evidence that would have exonerated Ramirez, such as the fact that the victim said that her attacker had a scar on his right cheek and a crease on his chin. Ramirez has neither.

Plaintiff's counsel also claimed that Bravo disregarded the fact that victim's backpack, which was later found four miles from where she escaped, didn't have Ramirez' fingerprints, and the location was in a different direction than where Ramirez demonstrated he was at the time.

Plaintiff's counsel also opined that a composite drawing of the suspect done by a professional sketch artist looked nothing like Ramirez.

Police practices expert Roger Clark, testified that Bravo made illegal threats against Ramirez during the interrogation and he failed to record the interrogation. Ramirez claimed that Bravo threatened him with violence and told him that he would be molested in jail before he offered to put him in protective custody if he confessed.

Plaintiff's eyewitness identification expert Steven E. Clark testified that eyewitness identification is very imprecise because witnesses are easily manipulated. He offered examples as to how a detective like Bravo can deliberately confuse a witness to aide a false arrest through illegal coaching, manipulating identification procedures and simply falsely telling the witness that she picked the right person.

Roger Clark and Steven Clark also explained how the search warrant affidavit and Bravo's reports were misleading because the detective omitted information that would have strongly suggested that the victim had confused the perpetrator for Ramirez.

Plaintiff's counsel also criticized the fact that Bravo based his arrest solely on one teenager's perception.

The defense disputed the allegations. Bravo denied that he ever coached the victim during the identification phase, and the victim denied that she was ever coached.

The defense opined that the sheriff's department and Bravo should be freed from liability because county prosecutors reviewed the case against Ramirez and decided that there was enough evidence to file criminal charges against him.

The defense also argued that, in making the decision to arrest Ramirez, Bravo relied on the identification by the victim as well as other corroborating information. Chief Bill McSweeney, Bravo's boss, publicly stated that his department believed the

victim in large part because two deputy district attorneys believed her.

The defense's police practices expert, Jared Zwickey, testified that many of Bravo's actions were up to standards.

Pursuant to a motion in limine, the jury wasn't able to hear about the factual innocence ruling in the criminal matter.

**INJURIES/DAMAGES** *emotional distress; face; head; post-traumatic stress disorder*

Ramirez was in a county jail for 10 months and 10 days. While incarcerated, he claimed to be a constant target of threats from other inmates who frequently urinated and spat on him because they had no tolerance for somebody they thought was a child molestor. His treating psychologist, Walter Greenberg, and a forensic psychologist, Richard Romanoff, examined Ramirez and testified that he suffered from an extreme and unmistakable case of post-traumatic stress disorder. During his arrest, Ramirez claimed that he was handcuffed so tightly that circulation to his hands was blocked, and he also bumped his head and face against the police car's roof and screen when the speeding car hit a speed bump.

Economist Robert Wunderlich calculated that Ramirez had also accrued about \$380,000 in out-of-pocket economic losses during the ordeal to pay for his criminal defense and for his wage loss.

Plaintiff's counsel asked for: loss of liberty (\$5 million to \$7 million); post traumatic stress disorder and resulting physical injuries such as high blood pressure (\$3 million to \$5 million); ruined reputation (\$1 million to \$3 million); arrest-related stress (\$1 to \$2 million); damage to credit history (\$500,000 to \$1 million); and illegal search (\$500,000 to \$1 million).

The defense did not address the injury claims.

**RESULT** The jury awarded \$18 million which is the largest single plaintiff's verdict ever against the sheriff's department. There was no award breakdown.

Less than 24 hours after the verdict, the sheriff's department settled for \$9.3 million. Plaintiff's attorney Michael Artan said that Ramirez accepted the settlement because he wanted to move on from the incident and didn't want the case to drag on with an appeal.

<b>DEMAND OFFER</b>	Unspecified millions \$250,000
<b>INSURER(S)</b>	Self Insured for Los Angeles, Sheriff's Department, Bravo
<b>TRIAL DETAILS</b>	Trial Length: 3 weeks Trial Deliberations: 2.5 hours Jury Vote: 9-0 Jury Composition: 4 male, 5 female
<b>PLAINTIFF EXPERT(S)</b>	Richard Romanoff, Ph.D., clinical psychology, Los Angeles, CA

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

I, Joseph Ciampi, live in the aforesaid County, State of California; I am over the age of 18 years. My address is: P.O. Box 1681 Palo Alto, CA 94302.

On April 18, 2011 I served **PLAINTIFF'S NOTICE REQUESTING APPROPRIATE ACTION REGARDING THE VIOLATIONS OF LAW AND RULES COMMITTED BY ATTORNEY STEVEN SHERMAN** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope/package, addressed as follows:

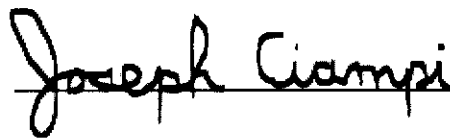
Steven A. Sherman, Esq. Bar No. 113621  
FERGUSAN, PRAET & SHERMAN  
A Professional Corporation  
1631 East 18<sup>th</sup> Street  
Santa Ana, California 92705-7101  
(714) 953-5300 Telephone  
(714) 953-1143 Facsimile  
Ssherman@law4cops.com

Attorney for Defendants

I placed such envelope/package for deposit, sealed, with postage thereon fully paid and the correspondence to be deposited in the United States mail at Palo Alto, California on the same day.

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

Executed on April 18, 2011, at Palo Alto, California.



Joseph Ciampi in pro se