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6 Plaintiff Joseph Ciampi, in pro se

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Handwritten signature/initials

12 JOSEPH CIAMPI

Case No. C 09-02655 LHK (PSG)

13
14 Plaintiff,

PLAINTIFF'S MOTION FOR ORDER FOR NEW JUDGE, AND TO STRIKE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND TO STRIKE THE COURT'S ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND TO VACATE THE CURRENT CASE SCHEDULE AND TO SECURE ALL EXHIBITS WITH THE COURT CLERK

15 v.

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

**[TITLE 28 PART 1 CHAPTER 21 § 455.
(a) U.S. CODE];
FRCiv.P. 60(b)(3)(6);
FRCiv.P. 5(d)(2)(B);
Civil L.R. 5-1
RE: Court Docs. 123, 125 and 155**

25 Defendants.

26 On June 30, 2011 the court heard Plaintiff's Motion Requesting Appropriate
27 Action Regarding Violations of the Law and Rules Committed by Attorney Steven Sherman.
28

1 Allegation number 12 is identified from line 21 of pg. 3 through line 4 of pg. 5 of Court
2 Document 153. This allegation relates to Mr. Sherman and the Defendants submitting evidence
3 to the court in support of their Motion for Summary Judgment, Court Documents 123 and 125.
4

5 The evidence in question are two of the MAV recordings identified as Temores' and
6 Burger's MAV recordings, Exhibits 14 and 15 of Court Document 125, Declaration of Steven
7 Sherman in Support of Motion for Summary Judgment..., ¶¶ 17 & 18, lines 9-12 of pg. 3.

8 As pointed out to the court in Court Document 153, Mr. Sherman verified during the
9 April 21, 2011 hearing that he provided the court the DA's version of the MAV recordings in
10 which the audio from Burger's MAV recording and the video from Temores' MAV recording
11 were "synched/mated" together and submitted to the court, line 25 of pg. 39 through line 15 of
12 pg. 40 of the April 21, 2011 transcript.

13 During the June 30, 2011 hearing, Mr. Sherman adamantly asserted that he provided the
14 court the DA's "synched/mated version of Temores' and Burger's MAV recordings.

15 Judge Koh who is hearing the case, stated during the June 30, 2011 hearing that the court
16 did not receive the DA's version of the MAV recordings.

17 **Someone is lying.**

18 It may prove to be impossible to know, for the recordings have not been secured with the
19 Office of the Court Clerk.

20 Though Plaintiff did receive a copy of a DA's version of the MAV recordings during the
21 discovery process, Plaintiff does not believe that he has actually received a copy identical to that
22 which Mr. Sherman and the Defendants submitted to the court for Mr. Sherman did not cite the
23 DA's version in his Declaration and exhibit list Court Documents 123 and 125, nor did Mr.
24 Sherman and the Defendants' provide Plaintiff a copy of the DA's version that they claimed to
25 have submitted to the court as a part of their Motion.

26 In Mr. Sherman's Declaration in support of Defendants' Motion for Summary Judgment,
27 Mr. Sherman cites exhibits 14 and 15 as true and correct copies of Temores' and Burger's in-unit
28 MAV recordings, no where does Mr. Sherman cite the DA's version.

1 In order to clarify the disputed evidence, on July 1, 2011 Plaintiff went to the court house
2 and requested to view exhibit 14 from the court clerk. The court clerk informed Plaintiff that
3 exhibit 14 was never filed with court, that only one set of exhibits were provided to Judge Koh.

4 By not filing the exhibit with the court clerk Defendants have violated F.R.Civ.P. 5(d)(2)
5 (A)(B) and Civ L.R. 5-1(a). As such Plaintiff's Motion for Summary Judgment is procedurally
6 deficient and should be stricken along with the court's May 11, 2011 order.

7 At this time Plaintiff believes that the court clerk not only does not have exhibit 14, but
8 does not have any of the DVD/CD exhibits provided as a part of Mr. Sherman's Declaration,
9 Court Doc. 125

10 By not providing the court clerk the exhibit, Defendants have knowingly and deliberately
11 deceived and misled Plaintiff as to the evidence that has been provided to the court for their
12 Motion for Summary Judgment. Had Plaintiff known that Temores' MAV recording was not
13 filed with the court clerk, secure from future tampering Plaintiff would have never revealed the
14 editing flaws that exist on the copies provided to Plaintiff. As a result Defendants now have the
15 opportunity to fix the editing flaws that Plaintiff has revealed and re-submit updated MAV
16 recordings that do not contain the editing flaws.

17 Defendants' act of violating the federal rules has seriously prejudiced Plaintiff's case and
18 ultimately could be used to falsely and maliciously persecute Plaintiff.

19 Mr. Sherman has informed Plaintiff that he has been an attorney for over 25 years. This
20 is not an oversight or an error on the part of Mr. Sherman and the Defendants especially when
21 taken into the context that Plaintiff has caught Mr. Sherman making several false statements,
22 tampering with the evidence and providing the court falsified taser gun activation reports, June
23 30, 2011 Sanctions Hearing. In fact Plaintiff caught the Defendants in another contradiction, that
24 being Lt. Sandra Brown stated that taser camera V07-065373 was sent to Taser International for
25 repair when Taser International expert Andrew Hinz stated in a December 21, 2010 Declaration
26 that taser camera V07-065373 was never sent to Taser International from the Palo Alto Police
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1 Department. Plaintiff has also caught Andrew Hinz falsely stating that electricity was never
2 transmitted through Burger's taser gun's taser wires.

3 According to F.R.Civ.P. 5(d)(2)(B) a Judge who receives filings from litigants is to
4 promptly note the date on the filing and send it to the clerk. Court Document 125 containing the
5 MAV recordings, Exhibits 14 & 15, was filed on February 15, 2011. As of July 1, 2011 Judge
6 Koh had not secured Temores' MAV recording, Exhibit 14 with the clerk. Plaintiff believes
7 exhibit 15, Burger's MAV recording has not been secured with court clerk either. The DA's
8 version of the MAV recordings which Mr. Sherman has stated he provided to the court has not
9 been secured with the court clerk either. Nor has Judge Koh demanded that the Defendants
10 produce duplicate copies, one for the "Chambers" and one to be filed with the court clerk, a
11 violation of Civ.L.R. 5-1(a).

12 Attorney Steven Sherman has twice, in court, adamantly asserted that he has provided the
13 court the DA's version of the MAV recordings. Judge Koh has asserted that she did not receive
14 the DA's version of the MAV recordings during the June 30, 2011 hearing. Why would
15 Attorney Steven Sherman deliberately lie to a Judge's face in court about what the Judge
16 received in violation of Bus. & Prof. Code §6128, § 6068, and 5-200(B)? Plaintiff believes that
17 Mr. Sherman knew he was caught entering into evidence recordings that he did not cite in his
18 Declaration and was admitting to that fact to diminish any further consequences.

19 Why didn't' Judge Koh state to Mr. Sherman during the April 21, 2011 hearing that she
20 did not receive the DA's version of the MAV recordings if she didn't have it.? Plaintiff believes
21 that Judge Koh has indeed received the DA's version of the MAV videos.

22 The DA's "mated/synched" version of Temores' and Burger's MAV recordings is a
23 tampered version of the recordings and is not even close to being a duplicate of the originals. By
24 submitting the DA's version, Steven Sherman violated FRE 1002 which requires the original. By
25 not informing Plaintiff of submitting the DA's version of the MAV recordings, Steven Sherman
26 denied Plaintiff an opportunity to object to the evidence submitted. It appears that Judge Koh
27 knows this, and is covering up for Steven Sherman so that she won't be forced to strike the
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1 Defendants' Motion for Summary Judgment and her current order on the Motion for Summary
2 Judgment.

3 Given the clear and direct contradiction between Mr. Sherman and Judge Koh it is
4 believed that the court did receive the DA's version and Judge Koh is concealing the DA's
5 version. This cannot be proven, because Judge Koh is the person in possession of the MAV
6 recordings and could be receiving updated versions of the recordings without anyone knowing,
7 for the recordings have never been secured into the court clerk's office.

8 This belief is further amplified and corroborated by Judge Koh's blatant contradictions
9 and refusal to acknowledge the facts presented to her and the law which supports Plaintiff's case,
10 Court Documents, 132, 150, 155, 159, 162, 163 and 164.

11 By not securing Temores' MAV recording, Exh. 14 of court doc. 125, and the DA's
12 MAV recordings into evidence with the court clerk, Judge Koh has violated FRCiv.P. 5(d)(2)(B)
13 and has provided the Defendants the opportunity to correct editing flaws on the MAV recordings
14 to be re-submitted to the court at a later date. Judge Koh's unlawful actions have severely
15 prejudiced Plaintiff's case and it is believed that Judge Koh's actions are in concert with the
16 Defendants' to ultimately blame Plaintiff for the editing flaws. Case in point, during the June 30,
17 2011 hearing, Defendants' denied that the copy of the "call for service," (Exhibit 4 of Court Doc.
18 125) that Plaintiff brought to court was actually the copy that they provided to Plaintiff, thus, the
19 reason why all recordings should have been secured with the court clerk. Instead of obtaining
20 the copy in her possession, Judge Koh ordered Plaintiff's version to be played in court. This was
21 completely irrelevant, as this particular allegation was not so much about what Mr. Sherman
22 provided to Plaintiff but about what was on the copy Mr. Sherman provided to the court. If
23 Judge Koh wanted to exhibit objectivity an integrity of revealing truthful facts, Judge Koh would
24 have obtained the copy in her possession and played it in court to reveal the truth of the matter.
25 For all Plaintiff knows, Defendants have sent Judge Koh up-dated versions without being
26 documented.

1 Judge Koh's actions are aiding the Defendants ability to tamper with evidence and
2 conceal their crimes. Defendants and Judge Koh could have already exchanged up-dated
3 versions of the MAV recordings several times behind the chamber's closed doors without
4 anyone knowing.

5 Plaintiff believes and feels that Judge Koh is working with the Defendants to set up
6 Plaintiff and wrongfully and falsely frame Plaintiff for the crime of editing evidence when it is
7 the Defendants who have edited and falsified the evidence, the MAV and taser videos.

8 Fortunately, Forensic Expert Gregg Stutchman, can verify un-corrupted versions of the
9 MAV and Taser recordings. Additionally, regardless of what the court and Defendants try to do,
10 they cannot refute the fact that four taser probes were fired from two taser guns and the video
11 footage of the second firing was removed from Temores' MAV video and taser video and that
12 Police Chiefs, Lynne Johnson and Dennis Burns, endorsed the destruction of Temores' taser
13 probes, taser cartridge and taser wires to help cover up the seconds firing. Additionally, both
14 taser recordings recorded video footage that Temores' MAV recording did not record verifying
15 that video footage has been removed from Temores' MAV recording.

16 For all of the above reasons, Plaintiff has shown good cause that the court should strike
17 and vacate Defendants' Motion for Summary Judgment as well as Judge Koh's May 11, 2011
18 order for improper process; not filing the MAV recordings with the court clerk and offering into
19 evidence a MAV recording that was not cited in Sherman's and the Defendants' Declarations.

20 This action by the court would be consistent with the ruling on Plaintiff's First
21 Amendment Complaint being struck down for improper process, court documents; 73, 81 and
22 104. Should the court not strike and vacate Defendants' Motion for Summary Judgment and the
23 court's May 11, 2011 order regarding the Summary Judgment, the court will be demonstrating
24 blatant prejudice against Plaintiff and bias for Defendants.

25 Judge Koh has demonstrated a consistent pattern of being biased for the Defendants and a
26 prejudice towards Plaintiff by her refusal to acknowledge the facts and base her rulings contrary
27 to existing law. Judge Koh falsely stated that Plaintiff did not cite any case law that occurred
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1 prior to the March 15, 2008 incident that is relevant to settling the law on vehicle stops. Plaintiff
2 did in fact cite case law that was specific to Plaintiff's incident that was settled prior to March
3 15, 2008.

4 Judge Koh has ruled that police officers can pull citizens over in their vehicles for
5 violating non-existent ordinances and demand that said citizens exit their vehicles and produce
6 identification or have their vehicle seized because the law has not been settled yet. If the law
7 was not settled on March 15, 2008, when was it settled and what case settled it? Is the law on
8 unlawful searches and seizure settled now, if not, when will it be settled?

9 Judge Koh has ruled that the Defendants violated the law, yet the law had not been
10 established therefore the Defendants get immunity. If the law had not been established, how can
11 you say Defendants violated the law in the first place? Either the law exists or doesn't, the law
12 cannot both exist and not exist at the same time.

13 Defendant Temores testified during the Pre-Trial Examination that he did not detain
14 Plaintiff Ciampi while Plaintiff was inside the vehicle, yet Judge Koh ruled that Defendant
15 Temores did detain Plaintiff Ciampi due to Officer Safety justifying the unlawful seizure of
16 Plaintiff's vehicle even though Def. Temores testified that he did not use the seizure ruse for
17 officer safety, but simply to find out who Plaintiff was.

18 **Judge Koh's prejudice against Plaintiff is to such a degree of offensiveness that she**
19 **actually makes up facts changes Def. Temores' testimony in order for her to justify ruling**
20 **against Plaintiff.**

21 Judge Koh has ruled that Defendants can use falsified videos in order to incriminate
22 Plaintiff Ciampi while at the same time refusing to allow Plaintiff Ciampi to expose the facts that
23 reveal that the videos and taser gun activation data have been edited and falsified. Judge Koh is
24 enabling the Defs to mislead the jury as to the facts of what actually occurred on March 15,
25 2008. Judge Koh has ruled that the police can use falsified evidence with impunity in order to
26 incriminate citizens of crimes. Judge Koh has ruled this way despite the facts that Plaintiff has
27 presented that prove that video footage is missing from Temores' MAV video, both taser videos;
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1 that the taser gun activation reports submitted to the court have been falsified and that the data
2 retained on the taser guns themselves has been falsified. Plaintiff has proven that all of the
3 Defendants have made false statements including under oath and in the police and other official
4 reports.

5 Judge Koh put on a masterful disguise of objectivity during the April 21, 2011 hearing
6 only to contradict herself numerous times in her ruling on May 11, 2011,
7 <http://www.youtube.com/watch?v=aDbUsnrfuLo>.

8 In Judge Koh's Order, court doc. 164, denying Plaintiff's Motion for Reconsideration,
9 court doc. 163, Judge Koh states that she is justified in denying Plaintiff's Fourteenth
10 Amendment claims because Plaintiff did not cite a *Brady* violation in his complaint, lines 26 and
11 27 of court doc. 164. Interesting that the court did not say anything when Attorney Andrew
12 Pierce, a fellow Harvard graduate, did not cite the *Brady* or any other case law in the complaint
13 to establish the Fourteenth Amendment violation. According to Judge Koh's rational, all case
14 law must be cited in a complaint in order to be able to use that case law for the remainder of the
15 case. If that is true, then Defendants also failed to cite much of the case law they used in their
16 Motion for Summary Judgment in their initial and subsequent Answers to the Complaints.
17 Additionally, according to F.R.Civ.P. 8(a)(1)(2)(3) it is not necessary to cite case law for a
18 complaint to be legitimate. If all that was necessary for the Defendants and the court to remove
19 Plaintiff's Fourteenth Amendment claim was to point out that Plt. failed to cite case law, then
20 Defs. would have moved to strike that portion of Plaintiff's case at the outset and the court would
21 have granted the request saving the Defendants and Plaintiff a lot of time, grief and money in the
22 process.

23 Judge Koh is allowing Defs. to show a jury a falsified photographs for 1/30th of a second
24 in order to mislead the jury as to what is actually on those photographs and denying Plaintiff the
25 right to show the jury those identical photographs for 30 seconds to a minute so that the jury can
26 see what is actually and factually on those photographs.

1 It was proven during the June 30, 2011 Sanctions Hearing that the taser gun firing data
2 reports submitted to the court by Steven Sherman as a part of his Declaration in support of Defs.’
3 Mot for Summ. Judg. have been edited and falsified. Mr. Sherman claims that it was an error. It
4 could have, possibly, might have been an error when Mr. Sherman first submitted the falsified
5 reports, however instead of acknowledging his error, Mr. Sherman attempts to cover up the
6 falsified taser gun activation reports by submitting two more falsified taser gun activation
7 reports. Any possibility of an error has been erased and the intent of mislead with falsified data
8 is cemented when Mr. Sherman intentionally makes the false statement that only the 2008 firing
9 data was downloaded on December 17, 2010 when he is caught on video and audio during the
10 inspection verifying that all of the data retained on the taser guns’ was downloaded. Mr.
11 Sherman made the false statement that Plaintiff could not have the MAV recordings that contain
12 the watermark because they are proprietary. Mr. Sherman claims this was an error on his part. If
13 it was an error, Mr. Sherman would have admitted to it instead of making another false
14 statement claiming that he never made the initial statement. This demonstrate intent, not error.
15 Despite these facts, Plaintiff anticipates Judge Koh dismissing Sherman’s actions as harmless
16 errors in order to perpetuate the cover up. Additionally, Lt. Sandra Brown asserted that taser
17 camera V07-065373 was sent to Taser International and returned to the Palo Alto Police
18 department contradicting Andrew Hinz’s 12/21/2010 Declaration in which Mr. Hinz states that
19 taser camera V07-065373 was never returned to Taser International. This is new evidence
20 requiring a reassessing the entire case, including the re-opening of Discovery as a result of
21 Defendants deliberately misleading the Plaintiff as to the Discovery provided and actually
22 falsifying the Discovery obtained. Additionally, through this process other individuals could and
23 should be added to the complaint as Defendants, namely Lt. Sandra Brown.

24 Plaintiff requests that Judge Koh secure all un-documented evidence/exhibits with the
25 court clerk in compliance with F.R.Civ.P. 5(d)(2)(B) immediately documenting the date and time
26 that such securing takes place so that Plaintiff can inspect and obtain a duplicate of all the
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1 recordings and exhibits that Defendants have provided to Judge Koh that have not been secured
2 with the court clerk.

3 Plaintiff requests immediate access to all of exhibits provided to Judge Koh by the
4 Defendants including Exhibits 14 and 15 of Court Document 125 and the DA's version of the
5 MAV recordings provided to the court by Attorney Steven Sherman in order to verify whether or
6 not Defendants have actually provided Plaintiff the exhibits provided to Judge Koh.

7 The acts committed by Defendants, Defendants' attorney Steven Sherman and Judge Koh
8 are not harmless errors under F.R.Civ.P.61 but are deliberate acts of fraud to deprive Plaintiff his
9 rights to a Due Process in this case, 5:09-cv-02655.

10 "On motion and just terms, the court may relieve a party or its legal representatives from
11 final judgment, order or proceeding for the following reasons; fraud (whether previously called
12 intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; any other reason
13 that justifies relief," F.R.Civ.P. 60(b)(3)(6).

14 Based upon all of the above reasons and facts, Plaintiff has proven fraud by way of
15 misrepresentation and misconduct by the opposing party and Judge Koh, therefore Plaintiff
16 requests that Defs.' Motion for Summary Judgment be stricken and Judge Koh's order regarding
17 Defs.' Motion for Summary Judgment be stricken, vacated and rendered null and void.

18 Plaintiff requested that Judge Koh disqualify herself when Plaintiff's case was
19 inexplicably moved from Judge Fogel's court to Judge Koh's court by informing Judge Koh that
20 she has a conflict of interest which now appears to go even further than Michael Gennaco, court
21 docs. 53 and 53-1, https://acrobat.com/app.html#d=kMKCFYm7jIp*q6nRR0wyiw and
22 https://acrobat.com/app.html#d=RJjA*8PsS5v0EDul3DnZZA and
23 https://acrobat.com/app.html#d=f3Iuyt*RaaUGsfsVhtKTVQ.

24 Judge Koh has strong ties to the City of Palo Alto and Stanford elite, her husband being a
25 Stanford Law Professor/Dean and Koh working in Palo Alto and Menlo Park law firms while
26 living in the vicinity. Judge Koh has a strong interest to ensure that the Palo Alto Police
27

1 Department is not exposed as being corrupt through and through for falsifying videos and taser
2 gun activation to incriminate a citizen of a crime.

3 This conflict of interest appears to extend beyond Judge Koh up to Chief Judge James
4 Ware. Judge Ware worked in a Palo Alto law firm with current Palo Alto City Council member
5 and former Mayor Larry Klein. Larry Klein is quoted as stating, "*Jim, (Judge Ware), was an*
6 *essential part of our organization and somebody whom we not only liked and respected as a*
7 *colleague but somebody that we loved and still do love,"*

8 http://www.paloaltoonline.com/weekly/morgue/news/1997_Nov_19.WARE.html.

9 Current City Council Member still loves his former colleague, Chief Judge James Ware,
10 if that is not a conflict of interest, then nothing is.

11 Judge Fogel had Plaintiff's case for a year and then in less then month of Judge Koh
12 being appointed to the bench, Plaintiff's case is move into her court room. Why would the court
13 move Plaintiff's case out of Judge Fogel's court and into Judge Koh's court **without any**
14 **explanation?**

15 **In Conclusion:** Attorney Steven Sherman provided Judge Koh the DA's MAV recording
16 failing to cite it in his Declaration deceiving Plaintiff as to what has actually been provided.
17 Attorney Steven Sherman did not file and secure Def. Temores' MAV recording and the DA's
18 MAV recording and possibly Def. Burger's MAV recording and possibly all of the DVD's
19 submitted with his Declaration with the Court Clerk's Office misleading and deceiving Plaintiff.
20 Judge Koh has endorsed these actions by not revealing them or demanding that Defendants
21 secure the recordings with the Court Clerk's office and thus also deceived and misled Plaintiff as
22 to what the court has and does not have enabling Defendants to further their unlawful acts of
23 editing and falsifying the videos.

24 "Any justice, judge, or magistrate judge of the United States shall disqualify himself in
25 any proceeding in which his impartiality might reasonably be questioned," TITLE 28 PART 1
26 CHAPTER 21 § 455. (a) U.S. Code, Disqualification of justice, judge, or magistrate judge.

27 Based upon the above reasons and facts Plaintiff has been denied due process by this
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1 court and requests that the court bring in a neutral Judge to oversee and the remainder of this
2 case.

3 For all of the above reasons, and those prima facie apparent in Court Docs. 132, 143,
4 153, 150, 155, 156, 157, 159, 162, 163 and 164, Plaintiff has demonstrated that Judge Koh's
5 impartiality might be reasonably questioned, therefore, the court should strike Defs.' Motion for
6 Summary Judgment, court docs. 123 & 125 and Judge Koh's ruling on Summary Judgment,
7 court doc. 155.

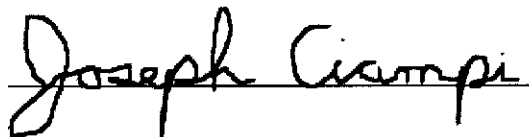
8 For all of the above reasons, and those prima facie apparent in Court Docs. 132, 143,
9 153, 150, 155, 156, 157, 159, 162, 163 and 164, Plaintiff has demonstrated that Judge Koh's
10 impartiality might be reasonably questioned, therefore, Judge Koh should disqualify herself in
11 this, 5:09-cv-02655, action and strike her earlier decisions.

12 For all of the above reasons, and those prima facie apparent in Court Docs. 132, 143,
13 153, 150, 155, 156, 157, 159, 162, 163 and 164, Plaintiff has demonstrated that Judge Koh's
14 impartiality might be reasonably questioned, therefore the current case schedule should be
15 vacated and reset so that a new Judge may reset the case schedule appropriate to the facts and
16 law, https://acrobat.com/app.html#d=8oPVrfs*1ov9IZzbeVfLUA, and
17 <http://www.youtube.com/watch?v=Xm4pyTk76a4>.

18 For all of the above reasons, and those prima facie apparent in Court Docs. 132, 143,
19 153, 150, 155, 156, 157, 159, 162, 163 and 164, Plaintiff has demonstrated that Defendants and
20 their attorney intentionally mislead Plaintiff regarding the Discovery and the exhibits that were
21 provided to the court as a part of their Motion for Summary Judgment committing fraud and
22 therefore, Defs.' Motion for Summary Judgment Court Docs. 123 & 125 should be stricken.

23 Plaintiff

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25 Dated: July 5, 2011



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27 Plaintiff JOSEPH CIAMPI in pro se