

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

FILED *cl*

JUL 15 2011

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

6 Plaintiff Joseph Ciampi, in pro se

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

11 JOSEPH CIAMPI

Case No. C 09-02655 LHK (PSG)

12
13 Plaintiff,

**PLAINTIFF'S NOTICE REQUESTING
JUNE 30, 2011 COURT TRANSCRIPT;
FAILURE OF DEFENDANTS TO
PROVIDE A COMPLETE MAV
RECORDING AND ANOTHER FALSE
STATEMENT MADE BY ATTORNEY
STEVEN SHERMAN:**

14
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.

Judge: LUCY H. KOH

25 Defendants.

26 On June 30, 2011 the Honorable Judge Lucy Koh heard arguments regarding Plaintiff's
27 Motion for appropriate Court action to be taken due to violations of law and rules by attorney

1 Steven Sherman.. During this hearing Palo Alto Police Lt. Sandra Brown made statements that
2 taser camera V07-065373 was sent to Taser International and returned to the Palo Alto Police
3 Department in complete contradiction to Andrew Hinz's statement in his December 21, 2010
4 Declaration, item 10, of pg. 3 of Court Doc. 108-1, which Mr. Hinz states that the taser camera
5 was never returned to TASER. Plaintiff needs access to the court transcript to verify this
6 statement and others to help prepare Plaintiff's case. Plaintiff does not have the financial
7 resources to purchase the transcript from the court reporter/transcriber and needs to access the
8 transcript via the Clerk's Office Public Terminal similar to Court Doc. 150. Plaintiff requests
9 that the June 30, 2011 transcript be filed with the Clerk's Office so that Plaintiff can prepare his
10 case.

11 Per the Court's July 1, 2011 Order, Court Doc. 166, the Court ordered the Defendants to
12 allow Plaintiff to use the Proprietary software in the Defendants' possession to analyze all of the
13 MAV recordings in Plaintiff's possession by July 14, 2011. On July 13, 2011 Defendants only
14 allowed Plaintiff to analyze two of the copies provided to Plaintiff and actually denied Plaintiff
15 from analyzing the duplicates which Defendants provided to the court as a part of their Summary
16 Judgment Motion. In fact, Defendants' attorney Steven Sherman has now stated that all copies
17 that do not have the watermark, which are the ones he has provided to the court are of "non-
18 issue," (Exhibit 667). It should be pointed out that these "non-issue" MAV recordings were the
19 only ones that the Defendants were going to provide Plaintiff and the court until Judge Grewal's
20 order forced Defs. to provide copies containing the watermark. The MAV recordings provided
21 to the court by the Defs. to secure their Motion for Summary Judgment are of "non-issue" and
22 cannot be verified with the watermark software according to attorney Steven Sherman.

23 Prior to Judge Grewal's Order, Defs. intentionally removed the watermark and placed the
24 videos in another file format than the original MPEG file on all of the MAV recordings that they
25 provided to Plaintiff and the court. Defs. had no intention of providing the MAV videos
26 containing the watermark until they were ordered to by Judge Grewal. During the previous
27 inspections Defs. made it known to Plaintiff that they would not run MAV videos through the
28

1 watermark software that were not in MPEG formats, thus, Plaintiff took exact duplicates of the
2 MAV recordings provided to Plaintiff by the Defs. and converted them back into the MPEG
3 format so that Defs. would run them through their watermark software. Defs. still refused to run
4 these copies in the MPEG form through the watermark software.

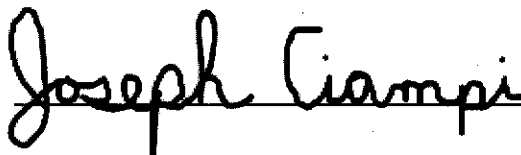
5 The watermark is essentially a mute point for Plaintiff has verified that this watermarking
6 process is bogus. Def. Temores' MAV video that contains the watermark is missing video
7 footage and therefore is an incomplete, tampered recording of the March 15, 2008 incident which
8 the Defs. and their attorney have submitted to this court in order to mislead the Court, Plaintiff
9 and the jury.

10 Def. Temores MAV video, Exhibit 14 of Court Docs 123 & 125 as well as the copy that
11 contains the watermark are missing three scenes that were recorded by the Taser videos, (Exhibit
12 669). Defs. refuse to provide the missing video footage and therefore have failed to comply with
13 Judge Grewal's Order, Court Doc. 144. Additionally, Plaintiff verified that the act of Def.
14 Temores firing taser probes from his taser gun is missing from Def. Temores' MAV video, (item
15 5, of Exhibit 529-2 of Court Doc. 133-9 and as well as the June 30, 2011 hearing which is
16 another reason why Plaintiff needs the transcript of the June 30, 2011 hearing.

17 Furthermore, Mr. Sherman and the Defendants offered to have experts analyze all of the
18 videos and evidence regarding the videos' authenticity which Plaintiff accepted. Mr. Sherman
19 stated that Plaintiff did not avail himself of this offer, (Exhibit 667). This is another false
20 statement made by Mr. Sherman and the Defendants in order to falsely portray Plaintiff and to
21 perpetuate Defendants' violations of Plaintiff's Fourteenth Amendment Rights to Due Process,
22 for Plaintiff did accept Mr. Sherman's and the Defs.' offer, (Exhibit 668).

23 Plaintiff

24 Dated: July 15, 2011

25 

26 Plaintiff JOSEPH CIAMPI in pro se

Exhibit 667

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A SHERMAN

[Redacted sidebar content]

Steven A. Sherman

10:15 AM

To Tony Ciampi, Cathy Sherman, city.attorney@cityofpaloalto.or...

Reply

From: Steven A. Sherman (ssherman@law4cops.com)

Sent: Thu 7/14/11 10:15 AM

To: Tony Ciampi (t.ciampi@hotmail.com); Cathy Sherman (csherman@law4cops.com); city.attorney@cityofpaloalto.org (city.attorney@cityofpaloalto.org); city.council@cityofpaloalto.org (city.council@cityofpaloalto.org); james.keene@cityofpaloalto.org (james.keene@cityofpaloalto.org); donald.larkin@cityofpaloalto.org (donald.larkin@cityofpaloalto.org); molly.stump@cityofpaloalto.org (molly.stump@cityofpaloalto.org)

Cc: san.francisco@ic.fbi.gov (san.francisco@ic.fbi.gov); correspondence_reply@durbin.senate.gov (correspondence_reply@durbin.senate.gov); senator.huff@outreach.senate.ca.gov (senator.huff@outreach.senate.ca.gov); nancy.brown@calbar.ca.gov (nancy.brown@calbar.ca.gov); jrosen@da.sccgov.org (jrosen@da.sccgov.org); jay.boyersky@da.sccgov.org (jay.boyersky@da.sccgov.org); ifitch@crimelab.sccgov.org (ifitch@crimelab.sccgov.org); diane.curtis@calbar.ca.gov (diane.curtis@calbar.ca.gov); scott.wong@cityofpaloalto.org (scott.wong@cityofpaloalto.org)

Mr. Ciampi:

Thank you for your e-mail.

I understand that you personally observed the watermark on the two (2) videos in your possession; one provided several months ago that was sealed and in your investigator's possession (or whoever he specifically was) and the one provided pursuant to Maj. Judge Grewal's order. The other non-watermarked copies

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[REDACTED]

I understand that you personally observed the watermark on the two (2) videos in your possession; one provided several months ago that was sealed and in your investigator's possession (or whoever he specifically was) and the one provided pursuant to Maj. Judge Grewal's order. The other non-watermarked copies have been over discussed and are a non-issue. In fact, it is my further understanding that you now possess an additional copy of the 'watermarked' MAV recordings. Now you have three (3).

As far as exceeding Judge Koh's court Order yesterday, discovery in this matter (except that just completed via court order) has closed. Two (2) things were ordered to occur and you exceeded those items.

Also and in light of the fact that all discovery is closed, I am no longer able to keep open my previous generous offer to have the videos examined at the City's expense. You have had several months to avail yourself of this offer, yet you have elected not to. As I have previously indicated to you, the City has already expended unnecessary funds on this matter. Accordingly that offer is now withdrawn.

The issues in this matter have been narrowed. I will be gearing up for the September trial. I will send you copies of what medical records we received. You should have them no later than the end of next week.

Lastly, I will contact Mr. Perez directly per your suggestion to obtain a copy of yesterday's inspection/viewing as well as contact Mrs. Brown to attempt to obtain a copy of the recording you reference. Once I have it, I will forward it to you.

Steven Sherman

Exhibit 668

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Ciampi v. Palo Alto---expert analysis

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A SHERMAN

Tony Ciampi

10/30/10

To ssherman@law4cops.com, rhall@oaklandcityattorney.org, ed...

Reply

From: Tony Ciampi (t.ciampi@hotmail.com)

Sent: Sat 10/30/10 3:41 PM

To: ssherman@law4cops.com; rhall@oaklandcityattorney.org; eduardoguilarde@gmail.com; csherman@law4cops.com

October 30, 2010

Attorney Steven A. Sherman, Bar No. 113621

Mr. Sherman,

Attention:

Randolph Hall
Eduardo Guilarte
Cathy Sherman

RE: C09-02655 LHK

Mr. Sherman,

[REDACTED]

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Mr. Sherman,

On October 28, 2010 City Attorney Don Larkin seemed receptive to the idea of having an expert look at the videos. Can we do this prior to the mediation hearing, say the week of November 8th to 12th or perhaps the 15th?

Mr. Larkin stated that he had a list of people I could choose from, if you would send that to me it would be appreciated.

I would like to accomplish this prior to the mediation hearing if at all possible in order to facilitate as much of an accurate reflection of the facts for the mediator as possible.

Let me know as soon as possible time is of the essence.

Tony

Joseph (Tony) Ciampi

P.O. Box 1681

Palo Alto, Ca 94302

650-468-3561

Exhibit 669

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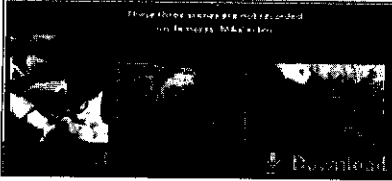
Hotmail - t.ciampi@hotmail.com - Windows Live

[REDACTED]

Tony Ciampi 1:11 AM
 To: ssherman@law4cops.com, csherman@law4cops.com, city.att...
 Reply

2 attachments (total 354.7 KB) Hotmail Active View

KOH'S ORD...pdf
 Download (43.3 KB)



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Steven Sherman, Attorney for City of Palo Alto

Mr. Sherman,

Attn: Cathy,

You and the Palo Alto police intentionally removed the MPEG file and the watermark from all of the MAV recordings, approximately 16 various copies that have different dates of modifications, different amounts of memory and different numbers of files; that had been provided to me over the course of the last three years with the exception of two.

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http://by164w.bay164.mail.live.com/default.aspx#!/mail/InboxLight.aspx?n=1870694700#

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[REDACTED]

Additionally, I have attached three scenes from the taser videos of the March 15, 2008 incident that are not captured on Temores' MAV video. The corresponding video footage is missing from Temores' MAV video. Would you please provide the missing video footage Mr. Sherman.

These three scenes are not recorded
on Temores' MAV video



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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 July 15, 2011 I served **PLAINTIFF'S NOTICE REQUESTING JUNE 30, 2011 COURT TRANSCRIPT; FAILURE OF DEFENDANTS TO PROVIDE A COMPLETE MAV RECORDING AND ANOTHER FALSE STATEMENT MADE 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 18th 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 July 15, 2011, at Palo Alto, California.



Plaintiff JOSEPH CIAMPI in pro se