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 JF (PVT) **DEFENDANT DENNIS BURNS P RESPONSE TO PLAINTIFF'S REQUEST FO PRODUCTION OF DOCUMENTS, SET SIX**

PROPOUNDING PARTY: Plaintiff, Joseph Ciampi, Pro Per

RESPONDING PARTY: Defendant, Dennis Burns

SET NUMBER: Six

TO PLAINTIFF:

Defendant City of Palo Alto responds to Plaintiff's Request for Production of Documents and Inspection of Tangible Things, Set Six:

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GENERAL OBJECTIONS

Defendant, Dennis Burns, hereby responds to Plaintiff's Demand for Identification and Production of Documents, Set Six, Pursuant to Federal Rules of Civil Procedure, Rule 34.

These responses are made in a good faith effort to provide propounding party with as much information as is presently/precisely known by this Defendant. As additional discovery occurs and this Defendant continues the investigation of this matter, additional facts and documentation will be revealed, some of which may pertain to Request to Produce which are being responded to herein.

Therefore, the following responses are given without prejudice to Defendant's right to produce subsequently discovered evidence and documents at time of trial relating to presently known facts and documents, and to produce all documents and evidence whenever discovered relating to the proof of subsequently discovered facts and documents.

The fact that any Request to Produce has been responded to herein should not be taken as an admission or acceptance of the existence of any facts or documents set forth or assumed in such request to produce or its response or that such response constitutes admissible evidence. No admissions of any nature whatsoever are implied or should be inferred from these responses.

Each response is subject to any and all objections as to competence, relevance, materiality, propriety, and admissibility. Each response is also subject to any and all objections and grounds that would require the exclusion of any statement or response, if any questions were asked of, or any response was made by witnesses present and testifying in court. All aforementioned objections and grounds are reserved and may be interposed at the time of trial.

These responses are made solely for the purpose of this action.

REQUEST FOR PRODUCTION NO 1

Please produce and provide a copy of Defendant Temores' MAV recording that contains the "date of last modification" of March 15, 2008, the date that the original recording was created and last modified, as the copies previously provided to Plaintiff

Ciampi do not have a "date of last modification" of March 15, 2008, as verified by Exhibit 8.

RESPONSE TO REQUEST FOR PRODUCTION NO 1

Objection. This discovery request is vague and ambiguous as to the phrases "MAV recording" and "date of last modification" which are undefined and require speculation as to their meaning and interpretation. Further, the request is argumentative, lacks foundation, and requires assumptions to ascertain its meaning. Further, the request is overbroad to the extent it seeks information within the possession, custody and control of third parties which is equally available to the requesting party.

However and without waiving said objection, Defendant attaches hereto as Exhibit "A", a copy of Officer Temores' MAV recording with a "date of last modification" of March 15, 2008.

Dated: September 3, 2010

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 September 3, 2010, I served the **DEFENDANT DENNIS BURNS P RESPONSE TO PLAINTIFF'S REQUEST FO PRODUCTION OF DOCUMENTS, SET SIX** 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 September 3, 2010, at Santa Ana, California.

/s/ Cathy Sherman
Cathy Sherman