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10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOSEPH CIAMPI,

14 Plaintiff,

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 individual;  
20 OFFICER MANUEL TEMORES, an  
21 individual; OFFICER APRIL WAGNER, an  
22 individual; AGENT DAN RYAN;  
23 SERGEANT NATASHA POWERS,  
24 individual,

25 Defendants.

NO. C09-02655 LHK (PVT)

**DEFENDANT DENNIS BURNS  
RESPONSE TO PLAINTIFF'S  
REQUEST FO PRODUCTION OF  
DOCUMENTS, SET SEVEN**

26 PROPOUNDING PARTY: Plaintiff, Joseph Ciampi, Pro Per

27 RESPONDING PARTY: Defendant, Dennis Burns

28 SET NUMBER: Seven (7)

TO PLAINTIFF:

Defendant Dennis Burns responds to Plaintiff's Request for Production of  
Documents and Inspection of Tangible Things, Set Seven:

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1       **RESPONSE TO REQUEST FOR PRODUCTION NO 1**

2           Defendant objects to this request in its entirety. The Request is in effect an  
3       interrogatory. Plaintiff has previously propounded production requests wherein he  
4       was put on notice that Defendant would object to any interrogatory that was cloaked  
5       as an admission or production request. As this request requires a verbal and/or  
6       narrative response, it is an interrogatory. Plaintiff has exceeded the limit of  
7       interrogatories he can propounded under FRCP and as such, Defendant will not  
8       respond to this request.

9       **REQUEST FOR PRODUCTION NO 2**

10          Please produce and provide by specifying in your own words the exact  
11       number of files that the Defendant Temores' MAV recording which has a date of last  
12       modification of March 18, 2008 contains.

13       **RESPONSE TO REQUEST FOR PRODUCTION NO 2**

14          Defendant objects to this request in its entirety. The Request is in effect an  
15       interrogatory. Plaintiff has previously propounded production requests wherein he  
16       was put on notice that Defendant would object to any interrogatory that was cloaked  
17       as an admission or production request. As this request requires a verbal and/or  
18       narrative response, it is an interrogatory. Plaintiff has exceeded the limit of  
19       interrogatories he can propound under FRCP and as such, Defendant will not  
20       respond to this request.

21       **REQUEST FOR PRODUCTION NO 3**

22          Please produce and provide by specifying in your own words the exact  
23       number of files that the Defendant Temores' MAV recording which has a date of last  
24       modification of October 12,2008 contains.

25       **RESPONSE TO REQUEST FOR PRODUCTION NO 3**

26          Defendant objects to this request in its entirety. The Request is in effect an  
27       interrogatory. Plaintiff has previously propounded production requests wherein he  
28       was put on notice that Defendant would object to any interrogatory that was cloaked

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1 as an admission or production request. As this request requires a verbal and/or  
2 narrative response, it is an interrogatory. Plaintiff has exceeded the limit of  
3 interrogatories he can propound under FRCP and as such, Defendant will not  
4 respond to this request.

5 **REQUEST FOR PRODUCTION NO 4**

6 Please produce and provide by specifying in your own words the exact  
7 amount of memory contained on Defendant Temores' MAV recording which has a  
8 date of last modification of March 15,2008 contains.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO 4**

10 Defendant objects to this request in its entirety. The Request is in effect an  
11 interrogatory. Plaintiff has previously propounded production requests wherein he  
12 was put on notice that Defendant would object to any interrogatory that was cloaked  
13 as an admission or production request. As this request requires a verbal and/or  
14 narrative response, it is an interrogatory. Plaintiff has exceeded the limit of  
15 interrogatories he can propound under FRCP and as such, Defendant will not  
16 respond to this request.

17 **REQUEST FOR PRODUCTION NO 5**

18 Please produce and provide by specifying in your own words the exact  
19 amount of memory contained on Defendant Temores' MAV recording which has a  
20 date of last modification of March 18, 2008 contains.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO 5**

22 Defendant objects to this request in its entirety. The Request is in effect an  
23 interrogatory. Plaintiff has previously propounded production requests wherein he  
24 was put on notice that Defendant would object to any interrogatory that was cloaked  
25 as an admission or production request. As this request requires a verbal and/or  
26 narrative response, it is an interrogatory. Plaintiff has exceeded the limit of  
27 interrogatories he can propound under FRCP and as such, Defendant will not  
28 respond to this request.

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1       **REQUEST FOR PRODUCTION NO 6**

2           Please produce and provide by specifying in your own words the exact  
3 amount of memory contained on Defendant Temores' MAV recording which has a  
4 date of last modification of October 12, 2008 contains.

5       **RESPONSE TO REQUEST FOR PRODUCTION NO 6**

6           Defendant objects to this request in its entirety. The Request is in effect an  
7 interrogatory. Plaintiff has previously propounded production requests wherein he  
8 was put on notice that Defendant would object to any interrogatory that was cloaked  
9 as an admission or production request. As this request requires a verbal and/or  
10 narrative response, it is an interrogatory. Plaintiff has exceeded the limit of  
11 interrogatories he can propound under FRCP and as such, Defendant will not  
12 respond to this request.

13       **REQUEST FOR PRODUCTION NO 7**

14           Please produce and provide Plaintiff two sample copies of a taser recording of  
15 both the taser camera and data port while in the presence of Plaintiff and a neutral  
16 third party who will document the creation of the sample recordings at a mutually  
17 convenient time prior to November 5, 2010. One sample copy that is a continuous  
18 recording and a second sample copy that re-creates the act of turning the taser gun  
19 and camera on and off two separate times re-creating the actions that took place on  
20 Defendants Temores' and Burger's laser guns and taser cameras during the March 15,  
21 2008 incident.

22       **RESPONSE TO REQUEST FOR PRODUCTION NO 7**

23           Objection. This request apparently seeks to require the creation of something  
24 that currently does not exist.

25           This Defendant is under no obligation to create new and/or different items,  
26 but rather only to produce those that exist. Accordingly, nothing sought by way of  
27 this request will be provided.

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1        **REQUEST FOR PRODUCTION NO 8**

2                Please produce and provide Plaintiff a sample MAV recordings by going  
3 through the complete process of inserting a hard drive into a patrol car's MAV  
4 system, making a recording, removing the hard drive from the patrol car's MAV  
5 system, uploading the recording into the MAV server whereupon four different  
6 copies will be made separated by a duration of time in order to empirically document  
7 whether or not the "date/time of last modification" changes all while in the presence  
8 of a neutral, third party at a mutually convenient date and time.

9        **RESPONSE TO REQUEST FOR PRODUCTION NO 8**

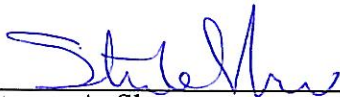
10                Objection. This request apparently seeks to require the creation of something  
11 that currently does not exist.

12                This Defendant is under no obligation to create new and/or different items,  
13 but rather only to produce those that exist. Accordingly, nothing sought by way of  
14 this request will be provided.

15        Dated: October 22, 2010

FERGUSON, PRAET & SHERMAN  
A Professional Corporation

17  
18        By:

  
\_\_\_\_\_  
Steven A. Sherman  
Attorneys for Defendants

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I, Cathy Sherman, employed in the aforesaid County, State of California; I am over  
4 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.

5 On October 22, 2010, I served the **DEFENDANT DENNIS BURNS RESPONSE**  
6 **TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET SEVEN**  
7 on the interested parties in this action by placing a true copy thereof, enclosed in a sealed  
envelope, addressed as follows:

8 Joseph Ciampi  
9 P.O. Box 1681  
10 Palo Alto, CA 94302  
11 650-468-3561  
12 [t.ciampi@hotmail.com](mailto:t.ciampi@hotmail.com)

13 XXX (By Mail) I placed such envelope for deposit in accordance with office practice,  
14 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.

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

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

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

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

24 Executed on October 22, 2010, at Santa Ana, California.

25 /s/ Cathy Sherman  
26 Cathy Sherman  
27  
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