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 9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 JOSEPH CIAMPI,) NO. C09-02655 LHK (PSG)
 13 Plaintiff,) DEFENDANTS' SUPPLEMENTAL
 14 v.) EXHIBIT -13" IN SUPPORT OF
 15 CITY OF PALO ALTO, a government entity;) MOTION FOR SUMMARY
 LYNNE JOHNSON, an individual; CHIEF) JUDGMENT
 DENNIS BURNS, an individual; OFFICER) [DECLARATION OF ANDREW
 KELLY BURGER, an individual; OFFICER) HINZ]

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CITY OF PALO ALTO, a government entity;) [DECLARATION OF ANDREW
 LYNNE JOHNSON, an individual; CHIEF) HINZ]
 DENNIS BURNS, an individual; OFFICER)
 KELLY BURGER, an individual; OFFICER) DATE: April 21, 2011
 MANUEL TEMORES, an individual; OFFICER) TIME: 1:30 p.m.
 APRIL WAGNER, an individual; AGENT DAN) CTRM: 5
 RYAN; SERGEANT NATASHA POWERS,)
 18 individual,)
 19 Defendants.)

20
 21
 22 TO ALL PARTIES:
 23 On February 10, 2011, Defendants filed a Motion for Summary Judgment or
 24 alternatively, Summary Adjudication of Issues. Filed with that motion was a Notice of
 25 Manual Filing which advised the Court that the Declaration of Steven A. Sherman and its
 26 accompanying exhibits would be physically lodged given the numerous video and audio
 27 recordings provided.
 28 ///

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1 Attached to that declaration as Exhibit "13" was a copy of the Declaration of
2 Andrew Hinz of Taser International. It has been brought to the attention of the Defendants
3 that Mr. Hinz made several errors in his report where in he referred to TASER Cams and
4 their recordings that had not been used on the date of this incident (March 15, 2008), and as
5 such not viewed or examined.

6 Further explanation of this error is contained in the supplemental Declaration of
7 Andrew Hinz which is attached hereto and this supplemental document should be read in
8 conjunction with the Declaration previously filed.

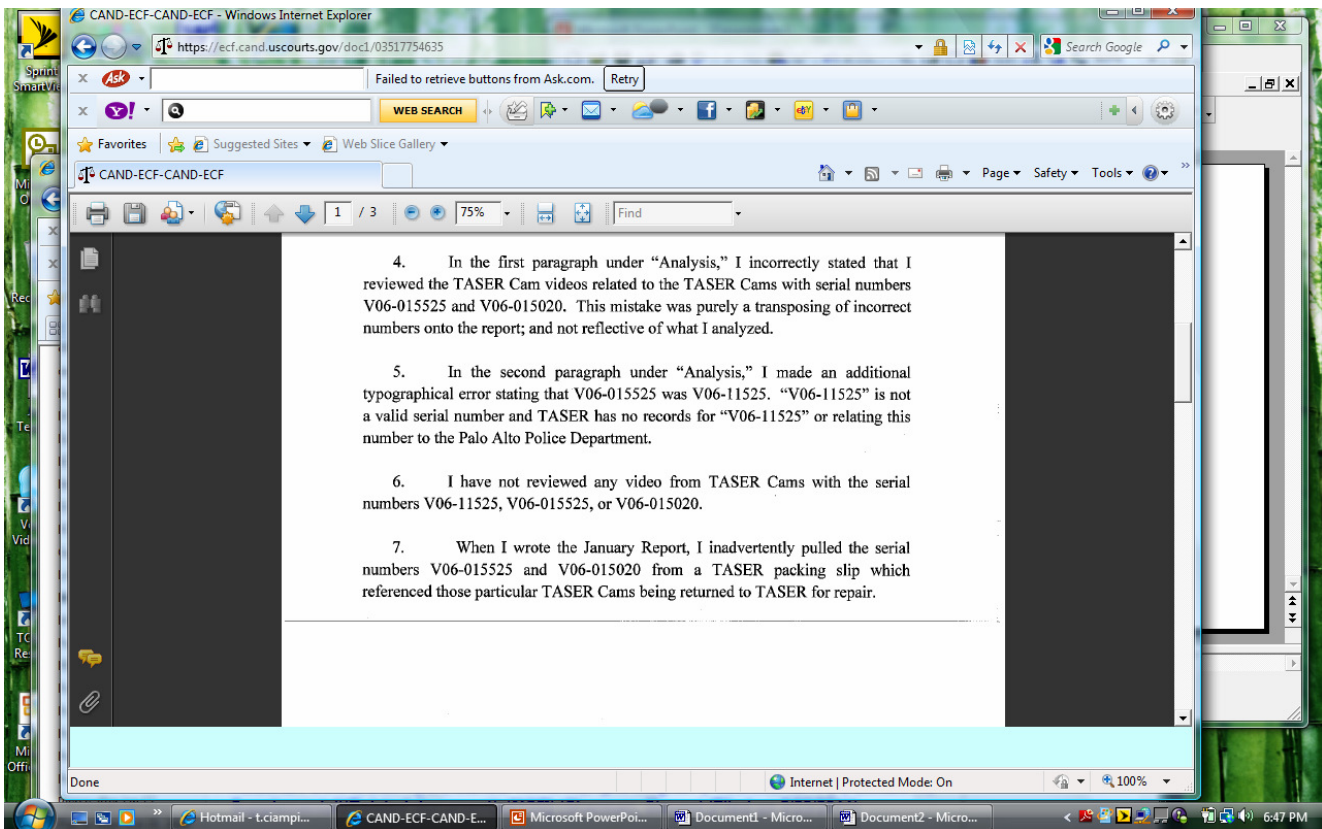
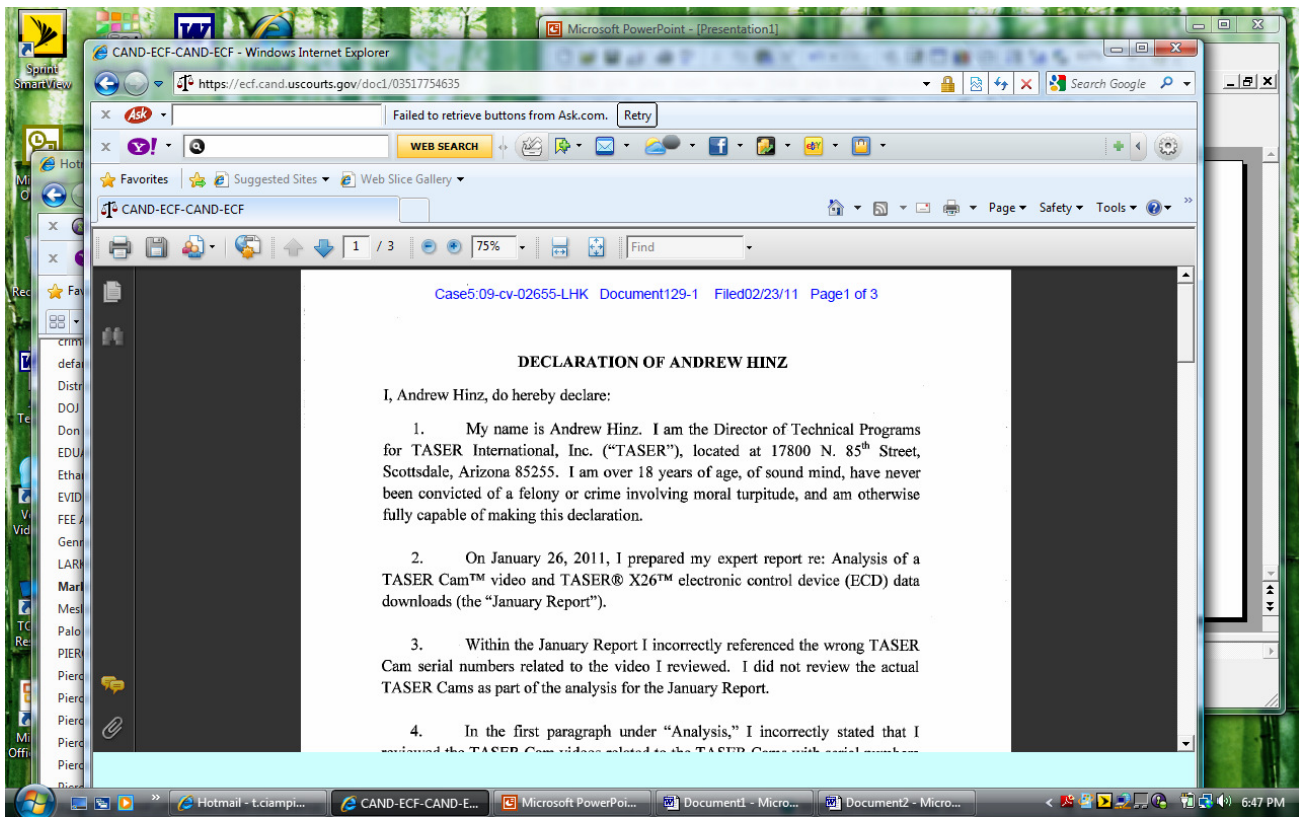
9 Defendants apologize to Plaintiff and the Court for not catching this error.

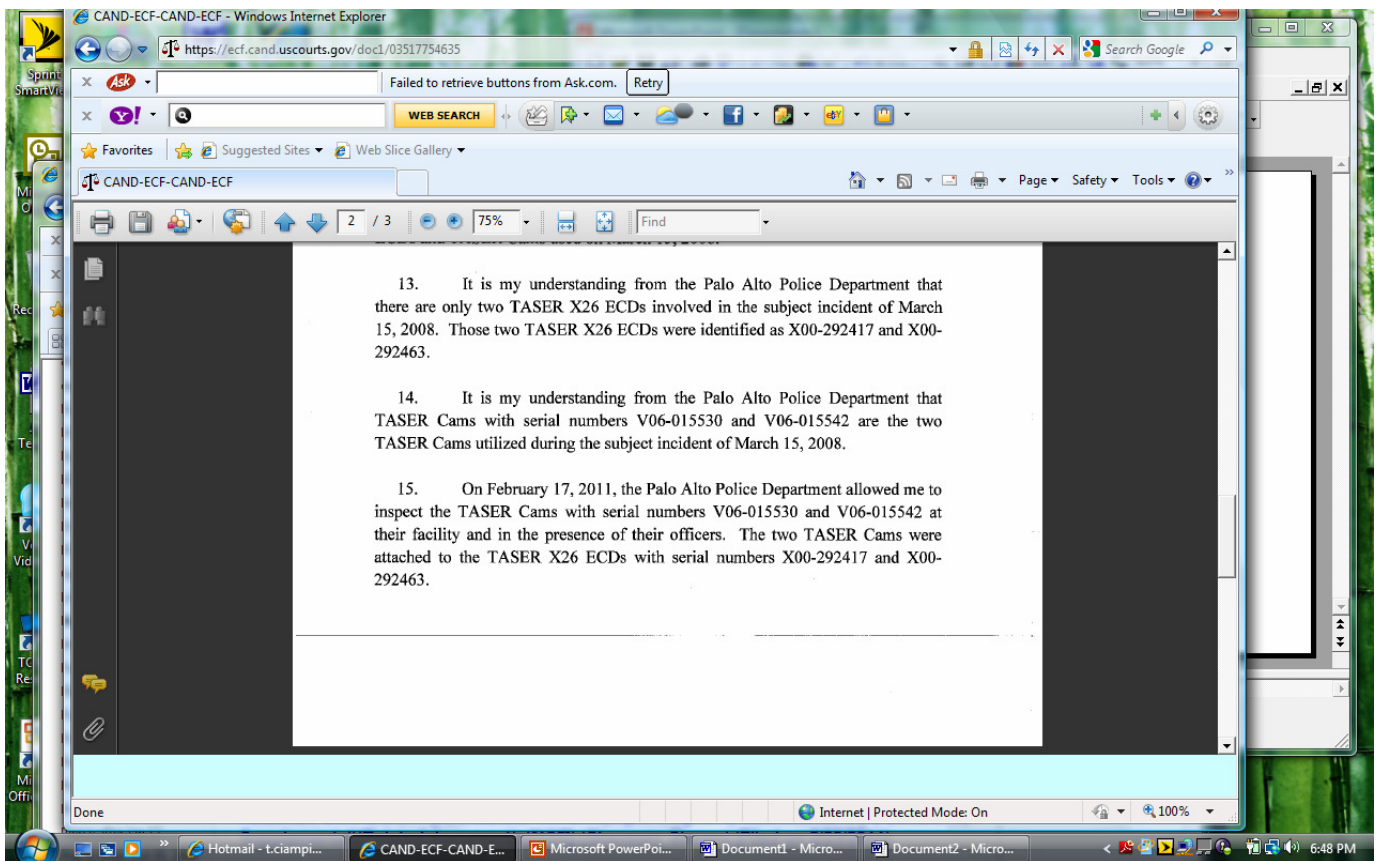
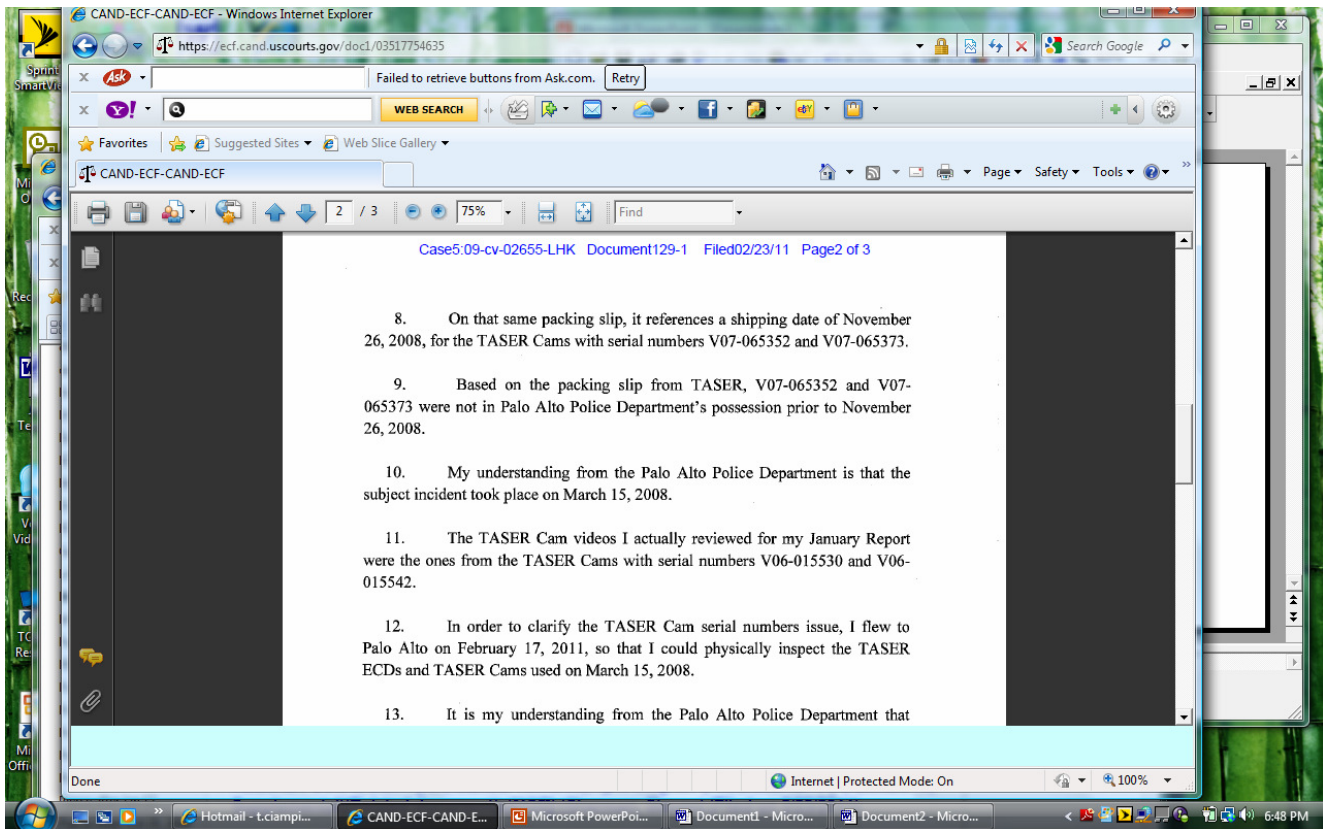
10 DATED: February 23, 2011 FERGUSON, PRAET & SHERMAN
11 A Professional Corporation

12 /s/ Blakney A. Boggs
13 Blakney A. Boggs
14 Attorneys for Defendants
15

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16. On February 17, 2011, Lt. Sandra Brown brought the TASER Cams and ECDs into the room for me to inspect and Det. Christine Jolin opened the boxes and was personally present during my inspection.

17. On February 17, 2011, I verified, by inspecting the two TASER Cams (V06-015530 and V06-015542) and two TASER X26 ECDs (X00-292417 and X00-292463), that the data from these devices was consistent with them being used during the March 15, 2008 incident. I also downloaded and watched the video footage from TASER Cams V06-015530 and V06-015542.

18. Plaintiff alleges within Exhibit 407-2, "At one time or another the following Taser Cameras have been indentified by the Defendants and or their expert as recording the March 15, 2008 incident: (1) V07-065373; (2) V06-015542; (3) V06-015530; (4) V06-011525; (5) V06-015020;" however, of those five listed, only V06-015542 and V06-015530 were used on March 15, 2008 during said incident as verified by the above referenced paragraphs in this Declaration.

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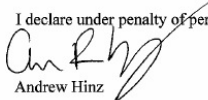
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Declaration

19. The TASER X26 ECDs with serial numbers X00-292417 and X00-292463 are recording data properly and accurately. These ECDs are operating within factory specifications for a TASER X26 ECD.

20. TASER International's policy on repairing TASER Cams is such that any device that is determined to be unfixable will be destroyed 90 days after receipt of the equipment from the agency unless a specific request of made by the agency to do otherwise. I have checked on the status of the two listed returns from the packing slip dated November 26, 2008, which lists V06-015020 and V06-015525 and they have been destroyed.

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


Andrew Hinz

Executed on 22nd of February 2011 at Scottsdale, Arizona

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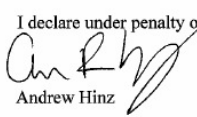
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Declaration.

19. The TASER X26 ECDs with serial numbers X00-292417 and X00-292463 are recording data properly and accurately. These ECDs are operating within factory specifications for a TASER X26 ECD.

20. TASER International's policy on repairing TASER Cams is such that any device that is determined to be unfixable will be destroyed 90 days after receipt of the equipment from the agency unless a specific request of made by the agency to do otherwise. I have checked on the status of the two listed returns from the packing slip dated November 26, 2008, which lists V06-015020 and V06-015525 and they have been destroyed.

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


Andrew Hinz

Executed on 22nd of February 2011 at Scottsdale, Arizona

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