

1 Eric S. Vail, City Attorney (SBN 160333)
 CITY OF HEMET
 2 Ronald F. Frank (SBN 109076)
 Amy E. Hoyt, (SBN 149789)
 3 E-mail: ahoyt@bwslaw.com
 BURKE, WILLIAMS & SORENSEN, LLP
 4 2280 Market Street, Suite 300
 Riverside, CA 92501-2121
 5 Tel: (951) 788-0100 Fax: (951) 788-5785

6 Attorneys for Defendant
 CITY OF HEMET
 7

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

11 HOWARD TOUNGET,
 12 Plaintiff,
 13 v.
 14 CITY OF HEMET, et al.
 15 Defendants.

Case No. EDCV 08-464-GW(AGR_x)

**AMENDED JUDGMENT IN FAVOR
 OF DEFENDANT CITY OF HEMET
 STATING AMOUNT OF COSTS
 TAXED AGAINST PLAINTIFF**

Judge: Hon. George Wu

Removal Filed: 04-04-08

17
 18 On February 17, 2011, the court entered judgment in Defendant City of
 19 Hemet's ("City") favor and ordered Plaintiff Howard Tounget ("Plaintiff") to pay
 20 the City's costs. A true and correct copy of the Notice of Entry of Judgment, filed
 21 on February 22, 2011, is attached as Exhibit A.

22 On March 7, 2011, the district court ordered costs taxed against Plaintiff in
 23 the amount of \$8,445.44. A true and correct copy of the Bill of Costs is attached as
 24 Exhibit B.

25 Plaintiff appealed. On May 22, 2013, the Ninth Circuit Court of Appeals
 26 issued its Memorandum Opinion affirming judgment in the City's favor and
 27 ordering Plaintiff to pay the City's costs. A true and correct copy of the Court's
 28 Memorandum Opinion is attached as Exhibit C.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

On June 14, 2013, the Court of Appeals issued its Mandate and taxed costs against Plaintiff in the amount of \$315.00. A true and correct copy of the Mandate is attached as Exhibit D.

Based on the foregoing, the Judgment entered on February 7, 2011 is hereby amended to tax costs against Plaintiff in the amount of \$8,760.44. Plaintiff is ordered to pay the City costs in the amount of \$8,760.44.

IT IS SO ORDERED.

Dated: October 1, 2013

By: 

Hon George H. Wu
U.S. DISTRICT COURT JUDGE

1 **PROOF OF SERVICE**

2 I declare that I am over the age of eighteen (18) and not a party to this action.
3 My business address is 2280 Market Street, Suite 300, Riverside, California 92501-
4 2121.

5 On **September 27, 2013**, I served the following document(s):
6 **[PROPOSED] AMENDED JUDGMENT IN FAVOR OF DEFENDANT**
7 **CITY OF HEMET STATING AMOUNT OF COSTS TAXED AGAINST**
8 **PLAINTIFF** on the interested parties in this action by placing a true and correct
9 copy of such document(s), enclosed in a sealed envelope, addressed as follows:

10 **SERVICE LIST**
11 **(Update: 09-26-13)**
12 **Howard Tounget vs. City of Hemet**
13 **USDC Docket No.: 5:08-CV-00464-GW (AGR)**

14 COUNSEL: 15 <u>Via OverNite Express & U.S. Mail</u> 16 Howard Tounget 25097 Jutland Drive Hemet, CA 92544	14 REPRESENTING: 15 Plaintiff in Pro Se 16 One Copy 17 Tel : (951) 652-5505 18 Fax : (951) 927-5441
19 <u>Via CM/ECF System & U.S. Mail</u> 20 Russell Cole, Esq. 21 Paul DePasquale, Esq. 22 DEPASQUALE & COLE 23 523 West Sixth Street, Suite 707 24 Los Angeles, CA 90014	19 Previous Attorney for Plaintiff 20 Howard Tounget 21 Tel : (213) 629-3550 22 Fax : (213) 629-0354 23 Email: prdrjclaw@yahoo.com

- 25 (X) **BY U.S. MAIL, as noted.** I am readily familiar with the business’
26 practice for collection and processing of correspondence for mailing
27 with the United States Postal Service. I know that the correspondence
28 was deposited with the United States Postal Service on the same day
this declaration was executed in the ordinary course of business. I
know that the envelope was sealed and, with postage thereon fully
prepaid, placed for collection and mailing on this date in the United
States mail at Riverside, California.
- (X) **BY OVERNIGHT COURIER, as noted.** I caused the above-
referenced document(s) to be deposited in a box or other facility
regularly maintained by the overnight courier, or I delivered the above-
referenced document(s) to an overnight courier service, for delivery to
the above addressee(s).
- (X) **BY COURT CASE MANAGEMENT/ ELECTRONIC CASE**
FILES (CM/ECF) SYSTEM, as noted. By submitting an electronic
version of the document listed above via CM/ECF System, pursuant to
the Court’s Administrative Order Regarding Electronic Filing in All
Ninth Circuit Cases dated August 19, 2008. I certify that said
transmission was completed and that all pages contained therein were
received.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Executed **September 27, 2013**, Riverside, California.

(X) **(Federal)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

MARY E. HENSLEY