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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

<b>LAWRENCE AZEVEDO,</b>	)	<b>1:09-cv-375 AWI DLB</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER CORRECTING <i>NUNC</i></b>
<b>v.</b>	)	<b><i>PRO TUNC</i> ORDER ON CROSS</b>
	)	<b>MOTIONS FOR SUMMARY</b>
<b>CITY OF FRESNO, et. al.,</b>	)	<b>JUDGMENT</b>
	)	
<b>Defendants.</b>	)	(Doc. No. 61)

On June 9, 2010, the Court issued an order on the parties’ cross motions for summary judgment. On the first page of the order, the Court stated that it would grant Azevedo a permissive inference instruction due to spoliation. See Court’s Docket Doc. No. 61 at p.1:27-28. However, the analysis portion and final order sections state that Azevedo may file a motion in limine regarding a rebuttable inference, it does not grant the inference. See id. at pp. 43:11-15, 45. To clarify, the Court has not decided to grant an evidentiary inference. That issue may be raised through motions in limine, as the analysis portions of the order make clear. To avoid confusion and remedy its mistake, the Court will correct the cross summary judgments order.

Accordingly, IT IS HEREBY ORDERED that the Court’s June 9, 2010, order (Doc. No. 61) is CORRECTED *NUNC PRO TUNC* in that, on page 1 from lines 27 to 28, the phrase “and grant Azevedo a permissive inference jury instruction based on spoliation of evidence by the City” is STRICKEN.

IT IS SO ORDERED.

Dated: June 17, 2010

  
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CHIEF UNITED STATES DISTRICT JUDGE