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5 Attorney for Plaintiff

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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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JAVARIS TUBBS,)
)
 Plaintiff,)
)
 vs.)
)
 SACRAMENTO COUNTY JAIL, ET AL.,)
)
 Defendants.)
)
)

NO. 2:06-CV-00280-LKK-GGH
**APPOINTED COUNSEL'S
 EX PARTE REQUEST
 FOR AUTHORITY TO INCUR COSTS**

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17

PART I

18 I, Carter C. White, declare:

19 1. I am an attorney admitted to practice law in the State of California and in the
 20 United States District Court for the Eastern District of California. I am the Supervising Attorney
 21 of the King Hall Civil Rights Clinic ("Clinic"), appointed attorney of record for plaintiff in this
 22 action.

23 2. In this case the plaintiff, Mr. Tubbs, a detainee in the Sacramento County Jail,
 24 alleges, among other things, that the Defendants violated his constitutional right to be free from
 25 excessive force. The Court appointed the Clinic to represent plaintiff in February 2007 (see Doc.
 26 24). The case was tried to a jury between January 21-28, 2009.

27 3. On or about February 3, 2009, counsel for Defendants ordered a copy of the trial
 28 testimony of two witnesses, Plaintiff Javaris Tubbs and Defendant Sonny Vasquez. Presumably

1 Defendants requested these transcripts to prepare and file a renewed motion for judgment as a
2 matter of law and/or motion for new trial. I have obtained an estimate from the court reporter,
3 and Plaintiff can obtain copies of these transcripts for \$99. (Tubbs = \$69.30; Vasquez = \$
4 29.70). I believe it is reasonably necessary for this expenditure of funds to be made in order to
5 effectively represent the plaintiff in the trial of this matter. I believe these expenses will total no
6 more than \$ 99.

7 4. To date one other cost payment has been approved by the Court in this case,
8 \$2,000 for the videotaped deposition of Sgt. Parker, and for trial subpoenas. (See Doc. 122).

9 5. I understand and agree that all of the costs requested of, and paid by the Court in
10 this case will be reimbursed out of any recovery or settlement received for the plaintiff.

11 6. Based upon the foregoing, I request that this Court authorize the expenditure of
12 \$99.

13 I declare under penalty of perjury that the foregoing is true and correct and that this is
14 executed this 10th day of February 2009, in Yolo County, California.

15 */S/ Carter C. White*

16 _____
17 Carter C. White
Attorney for Plaintiff

18 The above expenditure is


19 Approved, to be paid from unappropriated fund.

20 Disapproved.

21 Or,

22 Good cause appearing therefor, this matter is set for discovery conference
23 on _____, at _____, ____m. in courtroom number 4.

24
25 Dated: February 12, 2009.

26 
27 LAWRENCE K. KARLTON
28 SENIOR JUDGE
UNITED STATES DISTRICT COURT