UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

GARY ARDEN,

Plaintiff,

v.

FRANK KASTELL,

Defendant.

Case No. 10-cv-00436 NC

TRIAL STIPULATIONS

The parties agree that the following facts are established and may be considered as evidence by the jury:

1. Gary Arden was an employee of Smarte Carte on February 2 and 3, 2009.
2. The videos (Trial Exhibits 4 and 5) were recorded on February 2 and 3, 2009, by San Francisco International Airport or the San Francisco Police Department, but not the San Mateo County Sheriff's Office.
3. Frank Kastell wrote a police report, Trial Exhibit 1 ("Kastell's Report").
4. Kastell's Report was an investigative report prepared by a peace officer for his employer, the San Mateo County Sheriff's Office.
5. Kastell's Report was sent to the San Mateo County District Attorney.
6. It is the policy of the San Mateo District Attorney's Office that all Deputy District Attorneys shall only prosecute cases for which the Deputy District

Attorney will be able to prove beyond a reasonable doubt that the defendant committed the crime alleged. This policy applies to all criminal prosecutions handled by the San Mateo District Attorney's Office including the matter of *People v. Arden*, Case No. NM 383977A (the "Criminal Action").

7. Gary Arden incurred attorney's fees and costs in the defense of the Criminal Action in the amount of $42,369.66, and the jury shall be instructed that in the event they award attorney's fees as an element of damages, that is the amount which Gary Arden would be awarded.

IT IS SO ORDERED.

Date: October 20, 2014

Nathanael M. Cousins
United States Magistrate Judge