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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

GARY ARDEN,

Plaintiff,

v.

FRANK KASTELL,

Defendant.

Case No. 10-cv-00436 NC

**ORDER DENYING DEFENDANT'S  
MOTION FOR JUDGMENT AS A  
MATTER OF LAW**

This order memorializes the Court's ruling on a motion made by Kastell during the jury trial held in this case. On October 17, 2014, at the close of Arden's case, Kastell moved for a judgment as a matter of law on Arden's 42 U.S.C. § 1983 claim. Kastell argued that Arden failed to present any facts supporting the claim that Kastell deliberately fabricated evidence against Arden or that any such fabricated evidence caused the prosecution of Arden. The motion is DENIED on the ground that Arden presented a legally sufficient evidentiary basis to allow a reasonable jury to find for him on these issues. *See* Fed. R. Civ. P. 50(a).

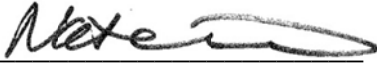
Additionally, Kastell indicated that he intended to move for a judgment as a matter of law on Arden's claim for punitive damages. In response, Arden agreed that he will not

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ORDER DENYING DEFENDANT'S  
MOTION FOR JMOL

1 proceed with that claim, rendering moot Kastell's motion as to that issue.

2 IT IS SO ORDERED.

3 Date: October 31, 2014

  
4 Nathanael M. Cousins  
United States Magistrate Judge

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