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 CITY OF SANTA CRUZ, et al.

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 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 ROBERT NORSE,  
 13  
 Plaintiff,  
 14 vs.  
 15 CITY OF SANTA CRUZ, et al.,  
 16 Defendants.

**Case No. C 02-01479-RMW**  
**STIPULATION AND ORDER FOR**  
**CORRECTION OF REPORTER'S**  
**TRANSCRIPT AND CLERK'S RECORD**  
 Trial Date: October 30, 2012

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 19 IT IS HEREBY STIPULATED BETWEEN Kate Wells and David Beauvais, attorneys for  
 20 Plaintiff Robert Norse, and George J. Kovacevich, attorney for Defendants City of Santa Cruz et al, that  
 21 The Reporter's Transcript ("Transcript") which was submitted by Plaintiff Robert Norse in support of  
 22 his motion for new trial, the court clerk's minutes for the trial and the clerk's Trial Exhibit List be  
 23 corrected to reflect that Defendants' Exhibits C-H were admitted into evidence.

24 This stipulation is made with reference to the following facts:

- 25 1. Pages 368-372 of the Transcript record the marking of each of the Defendants' Exhibits A-H.  
 26 (Pages 367-3373 are attached hereto as Exhibit 1.) That portion of the Transcript also  
 27 records that Exhibits D, G, and H were DVDs that had not theretofore been shown to the jury  
 28 and they were shown respectively after they were marked.

- 1 2. After the conclusion of the marking of Defendants’ exhibits and the playing of some of them  
2 to the jury at that time, counsel for Defendants then made the following request of the court:  
3 “I would move to introduce all of our exhibits.” (Reporter’s Transcript, page 372, lines 22-23  
4 (RT \_\_, \_\_”).) Counsel for Plaintiff then stated, “No objection.” (RT 372, 24.) Thereafter the  
5 Transcript records the court making the following statement: “So that’s A and B? All right.  
6 Those are admitted.” (RT 372, 25-373, 1.) The Transcript next reads: “(Whereupon,  
7 Defendant’s Exhibit Numbers A and B, having been previously marked for identification,  
8 were admitted into evidence.)” (RT 373, 2-4.)
- 9 3. In view of (i) the clear request by Defendants’ counsel that all of Defendants’ marked  
10 Exhibits (A-H) be admitted and no objection thereto by Plaintiff’s counsel and (ii) the fact all  
11 of the DVD exhibits had been shown to the jury at one time or another either with the  
12 Defendants’ exhibit or the Plaintiff’s corollary exhibit of the same content, the statement  
13 attributed to the court referring only to “A and B” was either a misstatement by the court or a  
14 mistaken recording by the court reporter.
- 15 4. Likewise, the clerk’s minutes (attached hereto as Exhibit 2) and Trial Exhibit List (attached  
16 hereto as Exhibit 3) which do not match the Transcript in that they include as admitted  
17 Defendants’ Exhibit C, nevertheless remain erroneous because they do not record that  
18 Defendants’ Exhibits D-H were also admitted.

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25 Dated: September 30, 2013

By \_\_\_\_\_ /s/  
George J. Kovacevich  
Attorneys for Defendants

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Dated: September 30, 2013

By: /s/  
David J. Beauvais  
Attorney for Plaintiff

Dated: September 30, 2013

By: /s/  
Kate Wells  
Attorney for Plaintiff

**ORDER**

The Court having considered the stipulation of the parties and good cause appearing therefor:  
IT IS HEREBY ORDERED THAT the reporter's transcript and clerk's record be corrected as  
specified above.

Dated:

