

1 proposed “Settled Statement” is a perfect example of this misplaced trust. The court need only
2 remember the cross-examination of Mr. David Metzgar. Metzgar was shown an undisputed video of
3 a confrontation between Defendant Kuczewski and both Plaintiffs Marien and Jebb. Kuczewski’s
4 video clearly shows David Metzgar holding his cell phone camera directed at Defendant and
5 Plaintiffs during the bulk of that long confrontation. During cross examination, Kuczewski asked
6 Metzgar what happened to that video. Metzgar shrugged it off as probably being deleted.
7 Kuczewski pressed on asking why he would have deleted that video if it exonerated his friends and
8 employers (Marien and Jebb) while incriminating Kuczewski. Metzgar again had no answer. Yet
9 Attorney Saldana completely omitted that crucial part of Metzgar’s testimony in his “proposed”
10 Settled Statement. This is just one clear “smoking gun” as to why Saldana’s version of the truth
11 must NOT be allowed to become the record of the unreported portions of the trial.

12 Finally, the \$1.8 million dollar judgment currently leveled in this case has been crushing to
13 Defendant Kuczewski, and it has added to the imbalance between the parties. Defendant Kuczewski
14 has been unable to afford representation throughout this case, and he seeks the Court’s tolerance of
15 any procedural mis-steps along the way. In the interest of Justice, Defendant Kuczewski requests
16 that the Court NOT accept Plaintiff’s version of history with regard to the Settled Statement.

17

18 **OBJECTIONS**

19

20 Defendant Kuczewski (“Kuczewski”) hereby objects to the entirety of Plaintiff’s Proposed
21 “Settled Statement” as being a gross misrepresentation of the unreported portions of the Trial. The
22 entire proposed statement by Saldana is so riddled with half truths, misleading statements,
23 innuendo, and missing testimony that it can not be easily reconciled with the truth. The “smoking
24 gun” example of Mr. Metzgar’s testimony above is just the tip of the iceberg. The following
25 paragraphs call out specific objections, but these only scratch the surface, and an entire rewrite is
26 needed and requested.

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Objections to Plaintiff’s Proposed Statement, section I. A. (Holland Direct)

Ms. Holland testified that she downloaded her City Council video content directly from the City of San Diego’s public web site where the videos were already freely and publicly available to anyone with internet access. This crucial fact was intentionally omitted from Mr. Saldana’s fictional rendition of her Direct Examination testimony. Saldana obviously wants the Court of Appeal to have no knowledge that these videos are still available today on the City of San Diego’s own web site. Saldana’s version is both false and misleading and should NOT be allowed to stand.

2. Objections to Plaintiff’s Proposed Statement, section I. B. (Holland Cross)

Saldana’s version of Holland’s testimony has her “admitting” that the video of Exhibit 300 casts Plaintiffs in a “negative” light and is likely to harm the Plaintiff’s reputations. But Saldana’s version did not include Holland’s solid assertion and belief that the video reflected the truth. This crucial fact was also intentionally omitted from Saldana’s fictional rendition of Holland’s testimony.

Saldana’s version of Holland’s testimony states that she did not “conduct any type of investigation into the facts or contentions made in the videos she posted”. But Saldana’s version of the testimony omitted Holland’s assertion that she believed they were true from her years of first-hand experience, her 20+ year knowledge of Defendant Kuczewski, and her interaction with other pilots who have shared their own testimony with her.

Saldana’s version of Holland’s testimony states that she had no “percipient” information concerning the allegations made by Kuczewski that “they are involved in: corruption, causing the suicide of Lyne Perry, causing accidents due to malfeasance or incompetence, drug running or drug smuggling, or that they are mafia members”, and that she did not investigate those claims. But Kuczewski didn’t make those allegations. Kuczewski only raised the questions. The easiest of these to refute are the “drug running”, “drug smuggling”, or “mafia members”. None of those accusations were ever made by or attributed to Kuczewski. Yet Saldana’s statement is cleverly written to appear

1 to the Court of Appeal as if those statements were indeed made by Kuczewski. This “slight of hand”
2 has been the hallmark of Saldana, and it should NOT be allowed.

3 Saldana’s rendition of Holland’s testimony is that in her deposition she conceded that she has
4 “zero” evidence as to the truth of Kuczewski’s criticism of his clients. But that is not true. Holland
5 has plenty of evidence in her first-hand observations, her observations of videos, her long (and
6 attested) knowledge of Kuczewski’s honesty, and the observations conveyed to her by many other
7 pilots who she has known. Saldana’s claim that Holland admitted having “zero” evidence arose
8 during her deposition where she was unrepresented by Counsel. In that deposition, Saldana took
9 advantage of Holland’s lack of legal training by pressing her for what she believed to be
10 TANGIBLE and PHYSICAL evidence of those things. Out of frustration, she allowed Saldana to
11 place the word “zero” into her testimony. Again, this kind of behavior should NOT be allowed.

12 Saldana’s rendition of Holland’s testimony has her saying that “Kuczewski told her that
13 Plaintiffs contributed to Lyne Perry’s suicide”. That’s not what Holland said at all. She said that
14 Kuczewski believed that Plaintiffs bullying – as reported by Lyne Perry herself – was a likely
15 contributing factor to a person already struggling with other problems. That has always been
16 Kuczewski’s position publicly and privately. Furthermore, Saldana’s rendition doesn’t mention the
17 email message from Lyne Perry herself. This is a true and correct copy of that email from Lyne
18 Perry to Defendant Kuczewski prior to her suicide:

19 Bob,

20
21 Thanks for thinking of me, but I need to decline at this time. I
22 have been the victim of much bullying by some of the "in" pilots.
23 I am very selective as to who I fly with and I will leave a site if
24 other certain pilots are there. Two years ago I rarely left my
25 home and did not fly for a period of 5 months due to fear from a
26 vicious verbal assault by Josh Gelb during a club event. This was
27 not an isolated event, just the final proverbial straw. The fact

1 that the other pilots just stood by and let it happen led me to
2 believe that they supported such behavior.

3
4 I am still not emotionally healed and need to stay incognito as
5 much as possible. You may have noticed that I do not post on the
6 SDHGPA forum, even though I am the owner. These days I typically
7 fly with the HGs pilots and only a select few PG pilots.

8
9 Blossom is my passion and I am not going to let my fear get in the
10 way of losing this site because I didn't do anything. I wish that
11 I were as thick skinned as you and able to keep going in spite of
12 verbal abuse. When David or Gabe Jebb bullied me, I let it go
13 because I knew that they bullied most everyone, but when it came
14 from pilots whom I thought were my friends, it devastated me.

15
16 Thanks again for thinking of me, but maybe at a later date.

17
18 Lyne Perry, PG,
19 Consulting Geologist
20 2157 Arnold Way, Suite 724
21 Alpine, CA 91901
22 M:619-647-3414

23
24 Lyne Perry said that in her own words. She had come to the sport of paragliding for
25 recreation, but she found that bullying was so pervasive that she just accepted it. She wrote “When
26 David or Gabe Jebb bullied me, I let it go because I knew that they bullied most everyone”. Lyne

27

28

1 Perry sent that email message to Kuczewski because Lyne knew that Kuczewski had been speaking
2 up for fair treatment for ALL citizens at the City-owned Torrey Pines Gliderport.

3 Saldana's rendition of Holland's testimony in the Settled Statement says that Holland had no
4 evidence of Lyne Perry's bullying other than the email written by Perry two years before her actual
5 suicide. The slight of hand in Saldana's rendition is to attempt to put 2 years between cause and
6 effect. But those 2 years were filled with hopefulness after Kuczewski was elected as Regional
7 Director defeating David Jebb (Gabriel Jebb's father). Kuczewski defeated Jebb by 122 votes to 98
8 votes (the hang gliding and paragliding population is very small). Lyne Perry had reached out to
9 Kuczewski soon after he was elected in December of 2008. Lyne reached out to Kuczewski because
10 she knew he represented hope for a change. Indeed, in another email message, Perry compared
11 Kuczewski's 2008 election to Obama's 2008 election – both giving her hope. But in 2010,
12 Kuczewski faced a better orchestrated election challenge and lost with even more votes (188) than
13 he'd gotten in the 2008 election but less than the challenger's 222 votes. The Gliderport operators
14 (Plaintiff's Marien and Jebb) had backed Kuczewski's opponent, and Kuczewski's loss in the 2010
15 election signaled the end to Lyne Perry's hope for a change. The hope that Lyne Perry had during
16 Kuczewski's term as Regional Director accounts for the delay between her email letter reporting
17 bullying in early 2009 and her subsequent suicide nearly 2 years later. There can be no doubt that
18 Lyne's suicide was at least partially prompted by the bullying that she experienced and that she so
19 clearly cited in her email letter to Kuczewski. The circumstances that contribute to a person's
20 decision to take their life are certainly complex, and Kuczewski never blamed 100% of her decision
21 on Plaintiff's actions. But given her well known love of the sport, and given the deep anguish that
22 she expressed in her email message, it is virtually impossible that Plaintiff's actions had no bearing
23 (0.00000%) on her decision.

24 Saldana's rendition of Holland's testimony in the Settled Statement says that "Holland didn't
25 have evidence to support her belief [that Plaintiffs contributed to Lyne Perry's suicide] other than
26 her reliance on Kuczewski's representations. That is not true. Ms. Holland posted her own message
27 about Lyne Perry's email message on July 26, 2013. Plaintiff's claimed that Holland had "zero"

1 evidence, but Holland had plenty of evidence from Lyne’s own words and from Holland’s own
2 first-hand experiences.

3 Saldana’s rendition of Holland’s testimony states “Holland admits that it was presented by
4 Kuczewski in the subject videos as though the “bullying” Perry encountered was conducted by the
5 Plaintiffs”. That is more slight-of-hand by Mr. Saldana. The “Holland admits” phrase and the “as
6 though” phrase make it sound as if Kuczewski made false statements. That’s prejudicial to the
7 verdict in this appeal. Holland didn’t “admit” anything. She believed and still believes that the
8 bullying encountered by Lyne Perry – in her own words – were a contributing factor to her suicide.
9 There has been no proof otherwise. The rest of that paragraph is just more of the same, and does not
10 deserve to be in a “Settled Statement” for the Court of Appeal.

11 Saldana’s rendition of Holland’s testimony is correct where it states that “Holland testified
12 Kuczewski told her that he “suspected” corruption”. There is no crime in suspecting corruption as
13 long as it is stated clearly as “suspected”. That is a truthful statement, and Kuczewski continues to
14 suspect corruption – of one form or another – to this very day.

15 Saldana’s rendition of Holland’s testimony states that Holland observed only one aircraft
16 collision at the Gliderport. Saldana cites the Remote Control (RC) collision with a hang glider. But
17 Saldana’s rendition fails to include Holland’s testimony that she was also at the Gliderport when
18 two paraglider pilots (presumably students) collided on a different occasion.

19 Saldana’s rendition attempts to trivialize Holland’s testimony about safety as being based on
20 lease violations (smoking and the pig). While Holland did testify to those violations, she did not
21 directly tie them to safety as claimed by Saldana’s slight of hand. Instead, Holland used those
22 examples to show the general lack of oversight – of any kind – which is pervasive at the Torrey
23 Pines Gliderport.

24 Saldana’s rendition attempts to have Holland equating a need for “oversight” with doing
25 something “wrong”. Those were certainly the words that Saldana was trying to place into her
26 mouth, but the two are not equal.

1 **3. Objections to Plaintiff’s Proposed Statement, section II. A. (Metzgar Direct)**

2 Defendants can lodge no objection to the Direct Examination testimony of David Metzgar as
3 reported in Saldana’s Proposed Settled Statement. Metzgar’s direct testimony was well rehearsed
4 and went off without a hitch. Defendants assert that much of Metzgar’s testimony was fabricated,
5 but Saldana’s Proposed Settled Statement does properly reflect that fabrication.

6
7 **4. Objections to Plaintiff’s Proposed Statement, section II. B. (Metzgar Cross)**

8 While Saldana’s rendition of Metzgar’s direct examination followed their script, Saldana’s
9 rendition of Metzgar’s cross examination intentionally leaves out or misrepresents a number of
10 important issues.

11 Saldana’s rendition of Metzgar’s cross-examination testimony left out this crucial question
12 and answer. Metzgar had been saying all along that he was very close to Lyne Perry and that he
13 “spent several days per week with Perry over the course of several years” (according to Saldana’s
14 own Proposed Settled Statement). So Kuczewski asked in cross examination if Lyne Perry had ever
15 told him or confided in him about the bullying by David and Gabriel Jebb that she cited in her email
16 message to Kuczewski. Metzgar was caught. If he were as close to her as he claimed, then she
17 surely would have mentioned the bullying to him. But that would implicate Metzgar’s friends and
18 employers (Jebb and Marien). So Metzgar answered “No”. But that response shined the light on
19 Metzgar’s role as part of the “in crowd” at Torrey that had been bullying her. She was afraid to tell
20 David Metzgar that she’d been bullied. She was afraid to tell him either because he would report it
21 back to the bullies or because Metzgar himself was one of the bullies. Instead, Lyne Perry reached
22 out to a virtual stranger – Mr. Kuczewski – who had just been elected as Regional Director
23 defeating none other than David Jebb himself. Lyne Perry knew that she could confide in
24 Kuczewski and that’s why she wrote to him, and she knew she could NOT confide in David
25 Metzgar. That’s why he stated that he did not know of her suffering at the hands of the Plaintiffs.
26 Her words were clear:

1 "I have been the victim of much bullying by some of the "in" pilots."

2
3 and

4
5 "When David or Gabe Jebb bullied me, I let it go because I knew that they bullied most
6 everyone, but when it came from pilots whom I thought were my friends, it devastated me."

7
8 There is no doubt that David Metzgar was (and still is) one of the "in" pilots at Torrey. That's
9 how he ended up with his dream business - flying birds of prey for money at Torrey Pines
10 Gliderport. David Metzgar was richly rewarded for his allegiance to the business. Lyne Perry was
11 just a casualty to him. But the point here is that Saldana's rendition left out that very important
12 aspect of the case. Once again, Saldana's obviously biased version cannot be trusted as anywhere
13 close to a fair rendition of the actual testimony in court.

14 Saldana's rendition of Metzgar's cross-examination testimony left out another crucial question
15 and answer session. Kuczewski showed Metzgar (under oath) a video that Kuczewski had taken
16 during one of the confrontations at the Gliderport. Kuczewski had been holding his own camera at
17 arms length while trying to defend himself against the physical assault and battery by Gabriel Jebb
18 and Robin Marien. Kuczewski's camera was too close and too unsteady to fully capture the serial
19 assault and battery. But Metzgar can be seen in Kuczewski's video holding his own cell phone
20 camera pointed at the participants from an ideal vantage point about a dozen feet away. During his
21 testimony, Metzgar was shown Kuczewski's video and he did indeed identify himself filming the
22 incident with his cell phone camera as depicted in Kuczewski's video. Kuczewski asked Metzgar
23 what he did with the video he had taken from that incident. Metzgar said that it probably got deleted
24 or something. Kuczewski asked Metzgar why – during an ongoing lawsuit – he would delete a
25 video that would support his friends Marien and Jebb. Metzgar had no answer. Kuczewski pressed
26 again why Metzgar wouldn't have kept that video and even made several copies and given copies to
27 Marien and Jebb. Again, Metzgar had no answer. Kuczewski asked Metzgar why he never made a

1 video recording of any of his other claims about Kuczewski’s alleged misconduct at the Gliderport
2 (where his cell phone was always handy)? Again, Metzgar had no answer. Yet somehow, Saldana’s
3 proposed “Settled Statement” omitted this crucial exchange as well. Saldana’s “Settled Statement”
4 is not “settled” at all. It is a one-sided attempt to misrepresent the course of this trial to the Court of
5 Appeal. Saldana should be severely sanctioned (if not disbarred) for such outright dishonesty
6 against a self-represented citizen.

7 As a less egregious example of Saldana’s misrepresentation, consider his statement that:

8
9 “Kuczewski shows Metzgar a photograph marked as Exhibit 130A, in which Metzgar appears
10 to be smoking. Metzgar acknowledges that he probably was smoking. Exhibit 130A is admitted.
11 Next Kuczewski shows photos and videos (marked as composite Exhibit 158) of the scene at the
12 Gliderport during Kuczewski’s visit on June 14, 2015.”

13
14 Kuczewski didn’t show just one photograph of Metzgar smoking. Kuczewski showed a series
15 of Metzgar smoking again and again. The message was clear that Metzgar was allowed to smoke on
16 the property in violation of posted City of San Diego “No Smoking” signs because he was part of
17 the “in crowd” at Torrey Pines. He was part of the “in crowd” that had tormented Lyne Perry. But
18 again, Saldana wants that smoking gun kept away from the Court of Appeal.

19
20 **5. Objections to Plaintiff’s Proposed Statement, section III. A. (Jebb Direct)**

21 Defendants can lodge no objection to the Direct Examination testimony of Gabriel Jebb as
22 reported in Saldana’s Proposed Settled Statement. Jebb’s direct testimony was well rehearsed and
23 went off without a hitch. Defendants assert that much of Jebb’s testimony was fabricated, but
24 Saldana’s Proposed Settled Statement does properly reflect that fabrication.

25
26 **6. Objections to Plaintiff’s Proposed Statement, section III. B. (Jebb Cross)**

1 While Saldana's rendition of Jebb's direct examination follows their script, Saldana's
2 rendition of Jebb's cross examination intentionally leaves out and misrepresents a number of
3 important issues.

4
5 Saldana's rendition of Jebb's testimony is an outright fabrication on at least one issue intended
6 to circumvent a key point that was never addressed by the Superior Court. In later testimony –
7 which is on record – Robin Marien struggles with the issue of whether his company is “Air
8 California Adventure LLC” or “Air California Adventure INC”. This discrepancy arose during
9 discussion of the Gliderport Lease which was clearly established with “Air California Adventure
10 LLC” and explicitly names David Jebb and Maya Jebb as the REQUIRED owners of that business.
11 Yet the business created and registered with the State of California as owned by Robin Marien is
12 “Air California Adventure INC”. When asked about this discrepancy, Robin Marien fumbled and
13 made comments indicating that he didn't see a difference. He would NOT have fumbled this
14 question if Gabriel Jebb had made the earlier statements (as claimed in Saldana's Proposed Settled
15 Statement) about the switching of the lease between “Air California Adventure LLC” and “Air
16 California Adventure INC”. Judge Medel should surely remember that controversy first arising
17 during Robin Marien's testimony and well after the testimony of Gabriel Jebb had concluded. In
18 fact, during Marien's testimony, Kuczewski asserted that Robin Marien's company had NO
19 STANDING in the Torrey Pines Gliderport Lease at all. Judge Medel stopped to ponder the matter
20 but deferred making a ruling on that issue and decided to proceed with the trial and address the
21 ownership issue later. It was never addressed, but now Mr. Saldana is inserting fictitious testimony
22 into his rendition of a “Settled Statement” to allege that the lease had been proper all along – which
23 is not true. Indeed, as stated in Marien's testimony, his company “Air California Adventure INC”
24 had – just prior to trial – miraculously obtained a new lease to replace the “Air California Adventure
25 LLC” lease which expired in 2008. Their rush to get a new lease in place was intended to cover for
26 the fact that “Air California Adventure INC” had NO standing (ZERO) at the Gliderport during all
27 of the contested issues in this case. This completely removes any last shred of justification for the

1 serial assault and battery on Kuczewski in the years 2014 and 2015. This fact alone justifies a
2 reversal of the verdict because the matter of ownership was never settled for the Jury, and Judge
3 Medel never addressed it.

4 Saldana’s presentation of Jebb’s testimony is completely inconsistent with Saldana’s
5 presentation of Holland’s testimony. In Holland’s testimony, Saldana writes again and again “Ms.
6 Holland states ...”, “She understands ...”, “Holland understands ...”, “Ms. Holland concedes ...”,
7 “Holland testified ...”, “Holland concedes ...”, “Holland testified ...”, “Holland admits ...”, “She
8 admits ...”, “Holland admits ...”, “Holland testified ...”, “She testified ...”, “Holland testified ...”,
9 “Holland testified ...”, “Holland stated ...”, “She also testified ...”.

10 Mr. Jebb’s testimony similarly starts out with a few “Mr. Jebb testified ...” statements, but
11 quickly shifts to quoting his testimony as fact: “Mr. Jebb was an instructor ...”, “Mr. Jebb has been
12 paragliding ...”, “He is a member ...”, “USHPA provides ratings ...”, “Each step in the chain ...”,
13 “USHPA is like the DMV ...”, “Beyond even ...” “Mr. Jebb held ...”, “As an instructor at the
14 Gliderport, Mr. Jebb has ...”, “Mr. Kuczewski previously screamed ...”, “Kuczewski witness Casco
15 has an incurable disease ...”, “He also did the same thing ...”, “Mr. Jebb’s parents used to employ
16 Kuczewski witness David Beardslee ...”, “They terminated him because ...”, “Mr. Jebb was present
17 in court ...”, “Each of the allegations made about Mr. Jebb, Mr. Marien, and Air California
18 Adventure, Inc. in those statements are untrue”, “Mr. Jebb has reviewed ...”, “None of the
19 allegations are true either ...”, “Mr. Jebb has run into several ...”, “Jebb and Marien have been
20 bullied, physically assaulted, and yelled at ...”, “Every time you google any of the three ...”, “This
21 caused Mr. Jebb lost business ...”, “Mr. Jebb estimates ...”, “Jebb estimates ...”, “Mr. Jebb used to
22 perform the in-house bookkeeping ...”, “Mr. Jebb has also been injured emotionally ...”, “Mr. Jebb
23 has suffered depression, sadness, anxiety, frustration, anger, and hopelessness ...”, “Mr. Jebb has
24 also suffered sleeplessness”. “Jebb stated that every time ...”, “In the few instances ...”, “At no time
25 did he ever act with the intent ...”, “When Kuczewski refused each time, police asked him ...”,
26 “When Kuczewski refused, the police arrested him ...”, “Mr. Jebb demonstrates ...”.

1 The overwhelming weight of Saldana’s “This happened as fact” statements (as written into
2 Jebb’s testimony) give the subconscious impression to any human reader that those are indeed the
3 facts. Saldana did this with Metzgar’s testimony as well. But Saldana used a completely different
4 tone with Ms. Holland’s testimony. Each of her statements were clearly prefaces with words that
5 tell the reader “this is just what she says” (“states” “understands” “concedes” “testified” “admits”).
6 This could not have been accidental. Saldana was clearly writing with a different style when
7 drafting the “Settled” testimony for his witnesses than he did when writing for Kuczewski’s
8 witnesses. This fact alone justifies a second attempt at writing a settled statement.

9
10 **7. Objections to Plaintiff’s Proposed Statement, section IV. (Jury / Verdict Forms)**

11
12 Mr. Saldana’s rendition of the “UNREPORTED HEARING ON VERDICT FORMS & JURY
13 INSTRUCTIONS” (his section IV) does not reflect the truth. Defendant Kuczewski submitted his
14 own set of Jury Instructions which were contrary to Mr. Saldana’s Jury Instructions on a number of
15 key issues. Among many other differences, Kuczewski’s version included instructions for
16 defamation of public figures and instructions for defamation of limited purpose public figures.
17 Kuczewski objected to their removal throughout the process – including at the weekend meeting in
18 Judge Medel’s chambers where the final versions were ruled on over Kuczewski’s objections and
19 without any reporter present.

20
21 Kuczewski contends that the leasing and operation of publicly owned park land with no meaningful
22 government oversight raises the operators of that land to public figures with regard to any
23 operations, incidents, and deaths under their watch. There can be no other interpretation that makes
24 sense. Citizens are allowed to be openly critical of their governing officials as either public figures
25 or limited-purpose public figures. And if those governing officials should hire other “non-
26 government” entities to do the job of the government, then those “non-government” entities must be
27 subject to the same public criticism as the original governing officials. Any other interpretation

1 would leave a gaping hole in the citizen’s Constitutional rights to criticize their government. Any
2 government could simply hire outside entities to perform government duties (park management, jail
3 management, and even police forces) to escape and avoid public criticism.

4
5 Kuczewski believes that Judge Medel issued his ruling against public/limited-public figure
6 instructions based on the Court of Appeals rulings in this case’s “anti-SLAPP” motions. While
7 Kuczewski maintains his objection to those “anti-SLAPP” rulings, he further asserts that rulings
8 made in an “anti-SLAPP” context are not applicable to providing jury instructions in a trial. The
9 “anti-SLAPP” threshold is a high bar to meet because it dismisses the case with no further
10 adjudication. It should be a high bar to meet. But a trial is a different matter and the decision of
11 public figure or limited-purpose public figure should not be based solely on the outcome of an
12 “anti-SLAPP” motion. If nothing else, the stakes are far higher in an actual trial as evidenced in this
13 case with an outrageous \$1.8 million dollar verdict against Kuczewski.

14
15 **REQUESTED ACTION BY THE COURT**

16
17 Defendant/Cross-Complainant Kuczewski respectfully asks the Court to order a second round of
18 negotiation of a “Settled Statement” to arrive at a fair, impartial, and accurate representation of
19 those portions of the trial that had not been documented by a Court Reporter.

20
21 Dated: _____

22 _____
23 Robert M. Kuczewski, in pro per