

Oral Arguments

2006 WL 5866390 (C.A.9) (Oral Argument) ← Citation

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United States Court of Appeals, Ninth Circuit.

Anthony K. Hart; et al, Plaintiff-Appellant, ← Party Name

v.

Bernard Parks, Chief of Police; Marc Zavala; Robert Rivera; Daryl McLemore; et al,

Defendants-Appellees.

No. 04-55553. ← Docket Number

April 5, 2006

Oral Argument ← Document Title

Appearances:

↑
Attorney
↓

Stephen Yagman, Yagman & Yagman & Reichman, Venice Beach, California, for petitioner.

Blithe Smith Bock, Deputy City Attorney, Los Angeles, California, for respondent.

↑
Judge
↓

Before:

Circuit Judge Dorothy W. Nelson, Circuit Judge Diarmuid F. O'Scannlain, The Honorable Robert C. Jones, District Judge for the District of Nevada, sitting by designation

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ORAL ARGUMENT OF STEPHEN YAGMAN ON BEHALF OF THE PETITIONER

MR. YAGMAN: My name is-- my name is Stephen Yagman. Good morning, Judge O'Scannlain, Judge Nelson, Judge Jones.

JUDGE: Mr. Yagman.

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Text
↓

MR. YAGMAN: Yeah. And the points I want to stress, you know, and I've made all the points I wish to make completely in the briefs. Are-- First, that there were two different prosecutions here. Second, that the malicious prosecution claims should be analyzed under both Fourth and Fourteenth Amendments because as to one of them, there was a seizure and as to the other which is to be analyzed under the Fourteenth Amendment. There was retaliation alleged. And third, that the burden of proof, properly should be on the defense with respect to the warrantless arrest because there was no warrant. I have nothing to add to that. And if there are any questions, I'll reserve all my time.

JUDGE: No questions at the moment, Counsel. We'll hear from the other side.