RoxyLabs Up 83% in IPO
Local company surges; typography credited

NEW YORK — RoxyLabs, the local chew-toy manufacturer, had a spectacular first day on the NASDAQ. Shares of RoxyLabs, priced at $20 each, rose to a high of $40.25 before closing at $36.60. RoxyLabs ended the day with a market capitalization of close to $517 billion, making it very prestigious. CEO Vanessa Manganese took the news in stride. “Our performance today shows that investors believe in our strategy of taking a scientifically insignificant product and surrounding it with a lot of hype and unverifiable claims,” she said. “And of course, impressive typography.”

Angeleno Society Demolishes “Helicopters”

The Angeleno Society went down in flames this past Friday with the debut of Michael Broderick’s new play Black Helicopters.

How bad is it? By the end of the first act, merely bad would’ve been a welcome kindness. By the end of the second act, the audience, myself included, was reconsidering the value of free speech in our society.

Broderick (directing, to use an optimistic term, from his own script) stars as Potiphar Tewkesbury, a character who is himself a playwright and director. Autobiographical? You might think so, except that the play is set—inexplicably, unbearably—in the year 2605. This serves largely as a pretext for the cast to wear no

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CLARITY, PERSONALITY, SIMPLICITY, WARMTH.
William Zinsser, in his 1976 book On Writing Well, identified these as the four indispensable qualities of great writing. Why indispensable? Because the best writing is an expression of the writer’s humanity. These qualities allow that humanity to shine through. As a writer, I find Zinsser’s argument persuasive. As a typographer, I find that his argument analogizes well to design. The designer’s role is to take mundane items and fill them with warmth and humanity. For instance, a font. What is it, really? Just a set of tiny black shapes. Yet, as every reader knows, those little shapes can express a huge range of emotions and possibilities. This contrast between constraints and possibilities is what anchors my enduring fascination with typography. Type possesses a strange magic. One reason I embark on new type-design projects is to understand that magic better. Another reason is to have some better fonts. CONCOURSE is my first new sans serif design in nearly 20 years. Hopefully, I’ve learned a few things. Perhaps most important among them is that drawing letters is the lowest form of type design. The magic inhabits the spaces in between—on the page, but also between us as readers & writers. Type builds a bridge that spans time and space, that connects us through the written word, that lets us share warmth and humanity. There’s nothing else like it. MB
Good art should elicit a response of 'Huh? Wow!' as opposed to 'Wow! Huh?'

Ed Ruscha
Manchester Sporting Club
Quarterly Members’ Event

Boxing!
Weds Sept 29
7:30 PM

It’s the bantamweight battle of the season

Solomon ‘Ice’ Berg
This scrappy fighter from Maine has improved greatly since recent humiliations.

— vs. —

El Quetzal
The mystery man from Zihuatanejo is almost undefeated and rumored to be 18% tiger.
The geometric sans serif typeface has been a staple of the typographer’s toolkit for nearly a hundred years. The first in the category was Erbar, the 1922 face that inspired dozens of others, including the still ubiquitous Gill Sans and Futura. In the late 1920s, Erbar also inspired American designer W. A. Dwiggins to create Metro.

Born in 1880, Dwiggins started out as a book designer and illustrator. He’s credited with coining the term “graphic designer” in 1922. He would go on to become an influential type designer too.

Metro, his first typeface, unabashedly rode on the coattails of the trendsetting geometric sans serifs from Europe. But Dwiggins considered those faces to be overly rigid. His goal for Metro was to blend the geometric style with more warmth and personality.

My affection for Metro, however, began long before I’d learned the name Dwiggins. As a teenager, I discovered Spy magazine. Spy—as designed by Stephen Doyle and Alexander Isley—opened my eyes to typography. The two fonts Spy used the most were Garamond #3 and Metro. I totally had a crush on them. (Still do.)

It was the ‘80s, however, so Spy was using the earliest digital version of Metro, which had many shortcomings. I always hoped that some Dwiggins fan—and among American type designers, there are many—would create a reconsidered version of Metro.

No one did. So I began designing Concourse, with the idea of reviving the original Metro.

What I like about Metro, and the other geometric sans serifs of its era, is their unusual adaptability. They can come across as historical or modern, depending on how they’re used. Like the best dinner-party guests, they add personality to the conversation without dominating it. This is why they remain valuable tools for typographers.

If you don’t get your type warm it will be…

no use at all for setting down warm human ideas.

I’d like to make a type…so full of blood and personality that it would jump at you.

W. A. DWIGGINS

Design notes

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W. A. DWIGGINS

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But when I studied samples of Metro, a funny thing happened. Though there was much I liked (e.g., its distinctive figures), there was also much I disliked (e.g., its ungainly lowercase). The disappointing truth emerged—as it often does with teenage enthusiasms—that the reality of Metro didn’t measure up to my idealized memories.

Sorry, Metro. It’s not you. It’s me.

But parting ways with Metro sharpened the design brief for Concourse: it would be a sans family that drew on my affection for Metro and its era, but that didn’t skimp on versatility, warmth, or personality. For instance—

↑ Six weights. In many of today’s sans families, intermediate weights are made by mathematical interpolation. This buys consistency, but to my eye, comes at the cost of too much personality. So I drew each weight of Concourse individually, to elicit more personality—elegance at the lighter end, cheerfulness at the heavier end.

↑ Small caps. Sans serifs look great in all-cap settings. So why are small caps such a rare feature in sans serif families? Concourse has small caps for all six weights.

↓ Real italics. Traditionally, sans serif italics are based on sloped versions of the regular styles. This approach makes them less useful for emphasis. It’s also a little dull. I took a more vigorous approach with Concourse’s italics, adding flared ends and sharpened bowls that add contrast and visual interest.
Duplexing. In type, duplexing means matching the widths between styles so that each character occupies the same space on the page. This way, you can easily change the weight and style without affecting your layout. In Concourse, weights 2, 3, 4, and 6 are duplexed to each other. (For this reason, the three lighter weights all use weight 6 as their bold style by default.) Every italic is also duplexed to its roman, including weights 7 and 8.

Stylistic sets. I checked—there’s no rule that says a font always has to look the same. So Concourse has groups of alternate glyphs that are invoked via OpenType stylistic sets. Use them as ready-made options for text and display, or as a construction kit to assemble your own creative variations. (More samples on the next page.)

Figures & fractions. Concourse has lining figures by default, but also oldstyle, proportional, tabular, superscript, and subscript figures, plus a full set of single-digit fractions.

Widely compatible. Concourse can be used with nearly all modern document-layout programs, from InDesign to Pages to Microsoft Office, Windows or Mac.

No-hassle embedding. The standard license allows Concourse to be embedded in PDFs, e-books, apps, and websites—no extra charge.

Major & Ray Quit Golfing
Major & Ray Quit Golfing
Major & Ray Quit Golfing
Pedro Hyacinth
MegaBankers Inc.
1534 S. Broadway
New York NY 10041

Dear Mr. Hyacinth:

RoxyLabs, the leading chew-toy research facility in the Western Los Feliz area, is looking for a banking partner to help us consider strategic business alternatives and venture financing.

Of course, we’re familiar with your work on the ChickenTreats.com IPO last quarter. I think you will find that RoxyLabs is uniquely well positioned to leverage its competitive advantage in multiple market segments.

With very best wishes for the upcoming holiday,

Vanessa Manganese
CEO, RoxyLabs
1 Préludes et Fugues, Op. 7: B major
2 Esquisses, Op. 41: C major
3 Le Tombeau de Titelouze, Op. 38
4 Choral et Fugue, Op. 57
5 Variations sur un vieux Noël, Op. 20
6 Cortège et Litanie, Op. 19 No. 2
7 Évocation, Op. 37: Allegro deciso
8 Deuxième Symphonie, Op. 26: Preludio
9 Épithalame en G mineur
10 Entrée, Canzone et Sortie, Op. 60
11 Le Chemin de la Croix, Op. 29
12 Miserere Mei, Op. 46: Adagio
13 Psaume XVIII, Op. 47
14 Poème Héroïque (avec orchestre), Op. 33
15 Offrande à la Vierge, Op. 40

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THE ANGELENO SOCIETY PRESENTS

BLACK HELICOPTERS
A NEW TRAGICOMEDY IN THREE ACTS

WRITTEN & DIRECTED BY
MICHAEL BRODERICK

Potiphar Tewkesbury          Michael Broderick
Silas Tewkesbury, his father  Jacques Reçoit
Renée, potiphar’s wife       Lorraine Wardly
Vera Montague                Jill Eversham
Nick Bishop, Renée’s suitor   Kenneth Aruña
Hamish Fowler, Renée’s cousin Stu Hodgkins
Fido                         Himself

ACT 1.  KITCHEN OF TEWKESBURY MANOR
ACT 2.  RENÉE’S STUDIO, CONNECTICUT
ACT 3.  BASEMENT OF TEWKESBURY MANOR

TIME: AUTUMN, A.D. 2605

**

THERE WILL BE TWO 15-MINUTE INTERMISSIONS

PLEASE — NO SMOKING, MUNCHING, OR FIDGETING
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**Postverbindung nach dem Odenwald.**

**W** Nur Werktags.

**S** Sonntags im Oktober und am 1. November. **★** Hält nur nach Bedarf.

**Fortsetzung der vorhergehenden Seite**
Cadmium Q. Eaglefeather (SBN 502981)
Eaglefeather Law Offices
1920 Hillhurst Ave.
Los Angeles, CA 90027
(323) 555-1435
(866) 555-1147 fax
cadmium@cqelaw.com
Attorney for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Trixie Argon, individually and on behalf of a class of similarly situated persons,

Plaintiff;

vs.

MegaCorp Inc., a California corporation, and Does 1 through 100, inclusive,

Defendants.

Case No. BC5551212

Plaintiff’s Notice of Motion and Motion to Compel Defendant MegaCorp to Produce Financial Records at Trial; Points & Authorities

Complaint filed: June 9, 2022
Trial date: August 20, 2024

Assigned to Judge Jerry Blank,
Dept. 1010, Central Civil Division
NOTICE OF MOTION

To all parties and their attorneys of record:

You are hereby notified that at a date and time to be determined, in Dept. 1010 of the above-entitled court, plaintiff Trixie Argon will move the Court for a motion to compel defendant MegaCorp to produce financial records she previously requested.

This motion is made on the ground that Ms. Argon served MegaCorp with a valid notice to produce financial records at trial. Cal. Civ. Proc. Code § 1987(c), Cal. Civ. Code § 3295(c). MegaCorp served objections and refused to comply.

Ms. Argon’s notice to produce seeks information directly relevant to her trial for punitive damages against MegaCorp. Therefore, the documents are material to Ms. Argon’s case and there is good cause to order them to be produced. Cal. Civ. Proc. Code § 1987(c).

The motion will be based on this notice, on the attached points and authorities, on the papers and records on file, and—if there is a hearing on this motion—on the evidence presented at the hearing.

November 19, 2023

EAGLEFEATHER LAW OFFICES

By: __________________________

Cadmium Q. Eaglefeather

Attorney for Plaintiff
POINTS & AUTHORITIES

Previously, the Court denied MegaCorp’s motion for summary adjudication of Ms. Argon’s claims for punitive damages. (Eaglefeather Decl. ¶ 1.) Ms. Argon served MegaCorp with a timely notice to produce financial records at trial. (Eaglefeather Decl. ¶ 2.) MegaCorp responded with boilerplate objections to Ms. Argon’s requests and refused to produce any financial records. (Eaglefeather Decl. ¶ 3.) This motion seeks to compel MegaCorp to produce these records.

1. Ms. Argon is entitled to the financial records.

Because this is a punitive-damages case, Ms. Argon is entitled to subpoena documents “to be available at the trial for the purpose of establishing the profits or financial condition” of MegaCorp. Cal. Civ. Code § 3295(c).

Ms. Argon has a right to these records even without showing that there is a “substantial probability that [she] will prevail”. Id. That’s the rule for pretrial discovery of financial records, but not for records to be brought to trial. Id.

2. The financial records are material to Ms. Argon’s case.

If the jury finds MegaCorp liable for punitive damages, the jury may then consider “[e]vidence of profit and financial condition” of those defendants to determine the amount of punitive damages. Cal. Civ. Code §§ 3294(a) and 3295(d); Nolin v. Nat’l Convenience Stores, Inc., 95 Cal. App. 3d 279, 288 (1979).

3. Ms. Argon will be prejudiced without the financial records, so there is good cause to compel their production.

MegaCorp was ordered to stand trial on punitive damages. (Eaglefeather Decl. ¶ 4.) If
the jury returns an initial verdict for punitive damages, Ms. Argon will need these financial records to prove the amount of punitive damages. MegaCorp cannot circumvent the trial by withholding evidence that the jury must consider. Cal. Civ. Code § 3295(d).

4. Conclusion

For these reasons, Ms. Argon asks that the Court order MegaCorp to produce the requested financial records.

November 19, 2023

EAGLEFEATHER LAW OFFICES

By: __________________________

Cadmium Q. Eaglefeather

Attorney for Plaintiff
February 15, 2024

George Falkenburg
Falkenburg, Fester, and Funk LLP
1252 W. 83rd Street
Bakersfield, CA 90909


Dear Mr. Falkenburg:

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Separately: you recently served a set of 953 interrogatories on my client. These interrogatories were not accompanied by the declaration of necessity that’s required when serving more than 35 requests. See Cal. Civ. Proc. Code § 2030.050.

I must, therefore, ask you to withdraw these interrogatories. While you are welcome to serve them again with the necessary declaration, my client is not obligated to respond to procedurally defective discovery requests. Furthermore, if you don’t withdraw these interrogatories within six days, I will file a motion for protective order and seek sanctions.

By the way, it was great seeing you and Thelma over the holidays. I think we still have your cheesecake platter. Let’s talk soon about our plans for Maui in the spring.

Sincerely,

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CQE / bqe
Enclosure
Re: Cause of action for malicious prosecution

Malicious prosecution has three elements that must be pleaded and proved:

1) the defendant commenced a judicial proceeding against the plaintiff;
2) the original proceeding was “initiated with malice” and “without probable cause”; and
3) the proceeding was “pursued to a legal termination in [the plaintiff’s] favor.”


1. Commencement of judicial proceeding

Any civil proceeding where the plaintiff seeks affirmative relief may be the basis of a malicious-prosecution claim. The original plaintiff does not need to personally sign the complaint. If the plaintiff is “actively instrumental” or the “proximate and efficient cause” of the action, the plaintiff may be liable. Jacques Interiors v. Petrak, 188 Cal. App. 3d 1363, 1372 (1987).

2. Initiated without probable cause and with malice

The malicious-prosecution plaintiff must establish both malice and lack of probable cause by the defendant in the underlying action.

In a malicious-prosecution action against an attorney in a civil suit, the standard for probable cause is whether a reasonable attorney would have thought the underlying claim was tenable at the time the original complaint was filed. Sheldon Appel Co. v. Albert & Oliker, 47 Cal. 3d 863, 885–86 (1989). An attorney may be liable for continuing to prosecute a claim after they discover the action lacks probable cause, even if there was probable cause at the outset. Zamos v. Stroud, 32 Cal. 4th 958, 970 (2004).
The showing of malice requires evidence of “ill will or some improper purpose,” ranging “anywhere from open hostility to indifference.” Grindle v. Lorbeer, 196 Cal. App. 3d 1461, 1465 (1987). Malice may be inferred from lack of probable cause if the party’s behavior was clearly unreasonable. However, this is not an automatic inference. Grindle, 196 Cal. App. 3d at 1468 (“Negligence does not equate with malice”). As above, failure by an attorney to conduct an adequate investigation may be evidence of “indifference” suggesting malice.

3. Favorable termination

Malicious prosecution requires that the underlying complaint to have been terminated in favor of the malicious-prosecution plaintiff. This means that a defendant cannot make a malicious-prosecution counterclaim as a “defense” to a complaint that appears to be malicious. Until the underlying complaint has been resolved, a malicious-prosecution claim cannot lie. Babb v. Superior Court, 3 Cal. 3d 841, 846-847 (1971). Thus, procedurally, the only option is to complete the underlying action, and then file a claim for malicious prosecution in a follow-on action.

“Termination” usually means the entry of judgment in favor of the malicious-prosecution plaintiff on a given claim. But any termination—for instance, deleting a claim from an amended complaint—is adequate basis for malicious prosecution. Whether the underlying claim may be revived (e.g., on appeal) is not relevant for malicious prosecution. As long as it’s been judicially terminated once, it’s fair game.
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Hot Topic 2014–16
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• Top in-store sales associate in seven out of eight quarters
• Inventory management
• Training and recruiting

MB Type sample · Concourse 2
Cadmium Q. Eaglefeather (SBN 502981)
Eaglefeather Law Offices
1920 Hillhurst Ave.
Los Angeles, CA 90027
(323) 555-1435
(866) 555-1147 fax
cadmium@cqelaw.com
Attorney for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Trixie Argon, individually and on behalf of a class of similarly situated persons,
Plaintiff;

vs.

MegaCorp Inc., a California corporation, and Does 1 through 100, inclusive,
Defendants.

Plaintiff’s Notice of Motion and Motion to Compel Defendant MegaCorp to Produce Financial Records at Trial; Points & Authorities

Case No. BC5551212

Complaint filed: June 9, 2022

Trial date: August 20, 2024

Assigned to Judge Jerry Blank,
Dept. 1010, Central Civil Division
NOTICE OF MOTION

To all parties and their attorneys of record:

You are hereby notified that at a date and time to be determined, in Dept. 1010 of the above-entitled court, plaintiff Trixie Argon will move the Court for a motion to compel defendant MegaCorp to produce financial records she previously requested.

This motion is made on the ground that Ms. Argon served MegaCorp with a valid notice to produce financial records at trial. Cal. Civ. Proc. Code § 1987(c), Cal. Civ. Code § 3295(c). MegaCorp served objections and refused to comply.

Ms. Argon’s notice to produce seeks information directly relevant to her trial for punitive damages against MegaCorp. Therefore, the documents are material to Ms. Argon’s case and there is good cause to order them to be produced. Cal. Civ. Proc. Code § 1987(c).

The motion will be based on this notice, on the attached points and authorities, on the papers and records on file, and—if there is a hearing on this motion—on the evidence presented at the hearing.

November 19, 2023

EAGLEFEATHER LAW OFFICES

By: ________________________

Cadmium Q. Eaglefeather

Attorney for Plaintiff
POINTS & AUTHORITIES

Previously, the Court denied MegaCorp’s motion for summary adjudication of Ms. Argon’s claims for punitive damages. (Eaglefeather Decl. ¶ 1.) Ms. Argon served MegaCorp with a timely notice to produce financial records at trial. (Eaglefeather Decl. ¶ 2.) MegaCorp responded with boilerplate objections to Ms. Argon’s requests and refused to produce any financial records. (Eaglefeather Decl. ¶ 3.) This motion seeks to compel MegaCorp to produce these records.

1. Ms. Argon is entitled to the financial records.

Because this is a punitive-damages case, Ms. Argon is entitled to subpoena documents “to be available at the trial for the purpose of establishing the profits or financial condition” of MegaCorp. Cal. Civ. Code § 3295(c).

Ms. Argon has a right to these records even without showing that there is a “substantial probability that [she] will prevail”. Id. That’s the rule for pretrial discovery of financial records, but not for records to be brought to trial. Id.

2. The financial records are material to Ms. Argon’s case.

If the jury finds MegaCorp liable for punitive damages, the jury may then consider “[e]vidence of profit and financial condition” of those defendants to determine the amount of punitive damages. Cal. Civ. Code §§ 3294(a) and 3295(d); Nolin v. Nat’l Convenience Stores, Inc., 95 Cal. App. 3d 279, 288 (1979).

3. Ms. Argon will be prejudiced without the financial records, so there is good cause to compel their production.

MegaCorp was ordered to stand trial on punitive damages. (Eaglefeather Decl. ¶ 4.) If
the jury returns an initial verdict for punitive damages, Ms. Argon will need these financial
records to prove the amount of punitive damages. MegaCorp cannot circumvent the trial by

4. Conclusion

For these reasons, Ms. Argon asks that the Court order MegaCorp to produce the
requested financial records.

November 19, 2023

EAGLEFEATHER LAW OFFICES

By: ______________________

Cadmium Q. Eaglefeather
Attorney for Plaintiff
February 15, 2024

George Falkenburg  
Falkenburg, Fester, and Funk LLP  
1252 W. 83rd Street  
Bakersfield, CA 90909


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I apologize for the delay, but I was recently hospitalized for a concussion sustained while rollerblading. Rest assured that I am on the mend. If you have any questions about this DVD, please let me know.

Separately: you recently served a set of 953 interrogatories on my client. These interrogatories were not accompanied by the declaration of necessity that’s required when serving more than 35 requests. See Cal. Civ. Proc. Code § 2030.050.

I must, therefore, ask you to withdraw these interrogatories. While you are welcome to serve them again with the necessary declaration, my client is not obligated to respond to procedurally defective discovery requests. Furthermore, if you don’t withdraw these interrogatories within six days, I will file a motion for protective order and seek sanctions.

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George Falkenburg
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1252 W. 83rd Street
Bakersfield, CA 90909
To: Cadmium Q. Eaglefeather  
From: Trixie Argon  
Date: 10 September 2024  
Re: Cause of action for malicious prosecution

Malicious prosecution has three elements that must be pleaded and proved:

1) the defendant commenced a judicial proceeding against the plaintiff;

2) the original proceeding was “initiated with malice” and “without probable cause”; and

3) the proceeding was “pursued to a legal termination in [the plaintiff’s] favor.”


1. Commencement of judicial proceeding

Any civil proceeding where the plaintiff seeks affirmative relief may be the basis of a malicious-prosecution claim. The original plaintiff does not need to personally sign the complaint. If the plaintiff is “actively instrumental” or the “proximate and efficient cause” of the action, the plaintiff may be liable. Jacques Interiors v. Petrak, 188 Cal. App. 3d 1363, 1372 (1987).

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Complaint filed: June 9, 2022
Trial date: August 20, 2024

Assigned to Judge Jerry Blank,
Dept. 1010, Central Civil Division

Trixie Argon, individually and on behalf of a class of similarly situated persons, Plaintiff;

vs.

MegaCorp Inc., a California corporation, and Does 1 through 100, inclusive, Defendants.

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November 19, 2023

EAGLEFEATHER LAW OFFICES

By: _______________________

Cadmium Q. Eaglefeather

Attorney for Plaintiff
POINTS & AUTHORITIES

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