



T *R* *I* *P* *L* *I* *C* *A* *T* *E*

Why Should **Proportional Fonts** Have All the Fun?

MONOSPACED FONTS occupy an odd niche in typography. Even though we still *need* monospaced fonts – as do machines – most of the available options are ugly and sad.

Why? Because putting every character on the same width is hard. Designers of monospaced fonts often start with a proportional design, and then, in Procrustean fashion, surgically mangle each letter until it fits (with predictably dire consequences).

Triplicate, by contrast, is modeled on several faces from the golden age of the typewriter – a time when designers treated monospacing not merely as a limitation, but also an opportunity.

MOREOVER: unlike the usual monospaced snoozefest, Triplicate has three weights, *true italics* (not *sloped romans*), **REAL SMALL CAPS**, oldstyle figures, alternate characters optimized for programming, and even a non-monospaced variant (!)

True, a monospaced family will never be the most versatile member of your type library. But now, when you need one, you can have a good one. **MB**

Ifijlr't1.
HOMWgm&w0?
Ifijlr't1.
HOMWgm&w0?

PROPORTIONAL VS. MONOSPACED: YOU SEE THE PROBLEM

It must be of tribal hawk.
It must be of tribal hawk.

A TYPEWRITER SAMPLE USED IN THE DESIGN OF TRIPPLICATE

SILAS TEWKESBURY, a degenerate nonagenarian, has tunneled into the studio. RENÉE is working nearby, in conversation with her husband POTIPHAR.

RENÉE

Potiphar, why can't your father accept that we're moving to Alaska?

POTIPHAR

Darling, I think he's concerned about its fiscal stability.

[Enter HUMMINGBIRD, through the window, flitting.]

RENÉE

Alaska? You mean, because it's one of the five states that doesn't have a sales tax? Please.

POTIPHAR

Well, I think he's 90% right.

[SILAS, hiding in darkness, pumps his fist. Meanwhile, HUMMINGBIRD lands in acrylic paint.]

RENÉE

Oh goodness, what a commotion. Potiphar, I'm sorry, but this will have to wait.

Silas Tewkesbury, a degenerate nonagenarian, has tunneled into the studio. **Renée** is working nearby, in conversation with her husband **Potiphar**.

Renée

Potiphar, why can't your father accept that we're moving to Alaska?

Potiphar

Darling, I think he's concerned about its fiscal stability.

[Enter **Hummingbird**, through the window, flitting.]

Renée

Alaska? You mean, because it's one of the five states that doesn't have a sales tax? *Please.*

Potiphar

Well, I think he's 90% right.

[**Silas**, hiding in darkness, pumps his fist. Meanwhile, **Hummingbird** lands in acrylic paint.]

Renée

Oh goodness, what a commotion. Potiphar, I'm sorry, but this will have to wait.

Processes: 196 total, 2 running, 6 stuck, 188 sleeping, 1192 threads
 Load Avg: 1.31, 1.16, 1.18 CPU usage: 1.51% user, 1.51% sys, 96.96% idle
 MemRegions: 45180 total, 3160M resident, 153M private, 1128M shared.

SharedLibs: 17M resident, 15M data, 0B link
 PhysMem: 7115M used (1450M wired), 5164M un
 VM: 452G vsize, 1068M framework vsize, 0(0)
 Networks: packets: 251592/134M in, 181691/3

PID	COMMAND	%CPU	MEM	RPRVT	VPRVT
39763	top	6.8	3396K	3164K	54M
39759	bash	6.1	680K	520K	44M
39758	login	5.8	1104K	776K	73M
39757	quicklookd	5.4	4880K	4128K	603M
39756	mdworker	5.3	2020K	1132K	89M
39755	mdworker	4.2	5076K	4212K	94M
39754	com.cultured	4.1	4616K	3180K	99M
39734-	CVMCompiler	3.8	1576K	1292K	59M
39733	cupsd	3.8	5420K	5036K	84M
39732	printtool	3.5	1180K	784K	71M
39725-	Pages	2.6	63M-	44M-	139M
39707	com.apple.iC	2.3	4316K	3540K	99M
39601-	FontLab Stud	2.3	70M	41M	114M
39573	AppleMobileD	2.0	7060K	6240K	93M
39572	com.apple.Me	1.9	46M	45M	124M
39571	ath	1.7	1920K	1472K	97M
39568	iTunes	1.4	126M	102M	238M
39564	rcd	1.4	3884K	2892K	89M

```
01  ;; Return a maze of given size
02  (define (graph->maze guide-graph)
03    (define maze-graph (unweighted-graph/undire
04      (let move-to-cell ([c (car (shuffle (sequen
05        (for ([n (shuffle (sequence->list (in-nei
06          #:unless (has-vertex? maze-graph n)
07            (add-edge! maze-graph c n)
08            (move-to-cell n)))
09      maze-graph)
10
11  ;; Convert from one set to another
12  (define (map-bdc str bdc-in bdc-out)
13    (define bdc-in-list (string->list bdc-in))
14    (define bdc-out-list (string->list bdc-out))
15    (list->string
16      (for/list ([c str-list])
17        (define index (and (member c bdc-in-lis
18          (- (length bdc-in-list) (length (memb
19          (if index
20            (list-ref bdc-out-list index)
21            c))))))
22
23  ;; Helper functions
24  (define inner-maze `(@,(make-list 5 (make-lis
25  (define (plan->graph p)
26    (define graph (unweighted-graph/undirected
27      (for* ([col (length p)][row (length (list-r
28        (define plan-node (list-ref (list-ref p col) row))
```

```
(hyphenate xexpr
  [joiner
   #:exceptions exceptions
   #:min-length length
   #:omit-word word-test
   #:omit-string string-test
   #:omit-txexpr txexpr-test]
  → xexpr/c

xexpr : xexpr/c
joiner : (or/c char? string?)
exceptions : (listof string?) = empty
length : (or/c integer? false?) = 5
word-test : (λ(x) #f)
string-test : (λ(x) #f)
txexpr-test : (λ(x) #f)
```

Hyphenate *xexpr* by calculating hyphenation points and inserting *joiner* at those points. By default, *joiner* is the soft hyphen. Words shorter than *length* will not be hyphenated. To hyphenate words of any length, use #:min-length #f.

Because the hyphenation is based on an algorithm rather than a dictionary, it makes good guesses with unusual words:

```
> (hyphenate "scraunched strengths" #\-)
"scraunched strengths"
> (hyphenate "polymorphic" #\-)
"poly-mor-phic"
```

If you're w
 <script>
 data. You c
 to specify a
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> (hyphe  

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> (hyphe  

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> (unhyph  

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 text.

8/12 POINT



REGULAR

And that's the odd wrinkle we have to overcome when we talk about the web. Because to convince you to abandon the typewriter habits in printed documents, I'm able to cite a persuasive body of evidence: namely, the professional typographic practices of the last 500 years, as reflected in books, newspapers, and magazines. The web, however, has no equivalent tradition. *We can't fill this gap merely by holding the web to print traditions. That would be limiting and illogical.*

POLY

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9/12 POINT



But it's equally illogical to refuse to compare the web to any benchmark on the grounds that it's *sui generis* (because it's not—the web is primarily a typographic medium), or that it's new technology (because it's not—the web is 20 years old), or that it's still evolving (because that's true of every technology, including print). *Nevertheless, we've kept web design hovering in an odd state of neither here nor there.*

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10/13 POINT



How? Like the poor worker of proverb—by blaming the tools. If you ask a web designer “why aren't we doing better with web typography?” you're likely to hear either “we can't, because such-and-such won't work in the old browsers” or “we can't, until such-and-such works in the new browsers.” The culture of web design encourages us to rely on the past and the future as excuses for why we can't take accountability for the present. *These excuses keep today's web design in a bubble, conveniently impervious to criticism.*

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7 cadmium@cqelaw.com
8 Attorney for Plaintiff

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 Case No. BC5551212

12 **TRIXIE ARGON**, individually and
13 on behalf of a class of
14 similarly situated persons,
15 Plaintiff;

16 vs.

17 **MEGACORP INC.**, a California
18 corporation, and **DOES 1**
19 through 100, inclusive,
20 Defendants.

**Plaintiff's Notice of Motion
and Motion to Compel Defen-
dant 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

1 **NOTICE OF MOTION**

2
3 To all parties and their attorneys of record:

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

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

12 Ms. Argon’s notice to produce seeks information directly rele-
13 vant to her trial for punitive damages against MegaCorp. There-
14 fore, the documents are material to Ms. Argon’s case and there is
15 good cause to order them to be produced. Cal. Civ. Proc. Code
16 § 1987(c).

17
18 November 19, 2023

EAGLEFEATHER LAW OFFICES

19 By: _____

20 Cadmium Q. Eaglefeather

21 Attorney for Plaintiff

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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 dam-

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ages. 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).

November 19, 2023

EAGLEFEATHER LAW OFFICES
By: _____
Cadmium Q. Eaglefeather
Attorney for Plaintiff

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CADMIUM Q.

EAGLEFEATHER

PLC

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February 15, 2024

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

Re: Nicholson v. MegaCorp, Case No. B718590125-2

Dear Mr. Falkenburg:

In response to your recent request, I've enclosed a DVD of photographs I took during the inspection of the MegaCorp facility on October 30, 2023.

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.

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,

CADMIUM Q. EAGLEFEATHER

CQE / bqe

Enclosure

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.”

Bertero v. National General Corp., 13 Cal. 3d 43, 50 (1974).

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 & Olier*, 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.

TRIXIE B. ARGON

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(213) 555-1234 TRIXIEARGON@GMAIL.COM

EDUCATION

UCLA Anderson School of Management 2021-23

- Cumulative GPA: 3.98
- Academic interests: real-estate financing, criminal procedure
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Hartford University 2013-17

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Boxer Bedley & Ball Capital Advisors 2018-21

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Proximate Cause 2017-18

Assistant to the director

- Helped devise fundraising campaigns for this innovative nonprofit
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- Top in-store sales associate in seven out of eight quarters
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1 **POINTS & AUTHORITIES**

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