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5 Attorneys for Defendant Rodrigo Duran

6
 7 **UNITED STATES DISTRICT COURT EASTERN DISTRICT**
 8 **OF CALIFORNIA FRESNO DIVISION**

9
 10 CHARLES JAMES CHATMAN)

11 Plaintiff)

12 v.)

13 C. TYNER, et al.)

14 Defendants.)
 15)
 16)

CASE NO. 1:03-CV-06636 AWI SMS

**STIPULATION AND ORDER
 REGARDING VIDEO DEPOSITION
 OF RODRIGO DURAN CONDUCTED
 VIA VIDEO CONFERENCE**

17 On July 20, 2009, the Court declined the order for the video deposition of defendant
 18 Duran stating that due to plaintiff's custody status, it would be impossible for plaintiff to attend a
 19 deposition in Texas. See Doc. 162.

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20 If defendant Duran's deposition occurred, it would be videotaped and it would proceed
 21 via video conference. Chatman is currently incarcerated at High Desert State Prison (HDSP) and
 22 HDSP has video conference capability. The federal prison where Duran is incarcerated can
 23 conduct the video deposition by video conference. Thus, Plaintiff would have an opportunity to
 24 question defendant Duran. The deposition would be videotaped and used at trial in lieu of live
 25 testimony.

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1 Counsel for Duran has met and conferred with the Attorney General's Office. The
2 Attorney General's Office does not object to using a prerecorded video deposition of Duran in
3 lieu of live testimony, as long as counsel for the State Defendants has the ability to participate in
4 the video conference from a location in Sacramento.

5 Counsel for Duran has met and conferred with plaintiff. Plaintiff also agrees to the video
6 deposition of defendant Duran via video conference.

7 **IT IS HEREBY STIPULATED:**

8 Dated: August 31, 2009 LONGYEAR, O'DEA & LAVRA, LLP

9
10 By: /s/ Jennifer Marquez
11 JENNIFER MARQUEZ
12 Attorney for Defendant
R. Duran

13 Dated: August 31, 2009 ATTORNEY GENERAL'S OFFICE OF THE
14 STATE OF CALIFORNIA

15
16 By: /s/ Megan O'Carroll
17 MEGAN R. O'CARROLL
18 Attorney for Defendants
19 Tyner, Alameida, Prunty, Chen,
Yarborough, Calderon, Vasquez, Sullivan,
Winett, Witcher, Stradley, Lundy, Fortson,
Traynham, Mack, Wells, Jimenez, Bowman,
Johnson

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20 August ____, 2009 PLAINTIFF IN PRO PER

21 By: See Attached Fax Signature
22 Charles James Chatman P-99062

23
24 **ORDER**

25 IT IS SO ORDERED.

26 **Dated: September 1, 2009** /s/ Anthony W. Ishii
27 CHIEF UNITED STATES DISTRICT JUDGE

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