

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

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHARLES CHATMAN,

Plaintiff,

v.

SERGEANT C. TYNER, et al.,

Defendants.

CASE NO. 1:03-cv-06636-AWI-SMS PC

ORDER REGARDING PLAINTIFF’S
OBJECTION TO STIPULATION REGARDING
DEPOSITION OF DEFENDANT DURAN VIA
VIDEO CONFERENCE

(Doc. 175.)

Plaintiff Charles Chatman is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The parties filed a stipulation agreeing that a video deposition of Defendant Rodrigo Duran be conducted via video conference for use at trial in lieu of live testimony – which was approved and filed on September 2, 2009. (Doc. 169.) On March 1, 2010, Plaintiff filed an objection (apparently to the stipulation) in which he asserts that defense counsel coached Defendant Duran as to his answers during Plaintiff’s cross-examination in the deposition, and raises concerns that Defendants might edit the video tape so as not to reveal the coaching if the video is played at trial. (Doc. 175.) Plaintiff requests that the deposition video be reviewed, that Defendants be precluded from editing the video taped deposition, and that Defendant Duran be required to appear at the trial of this matter via video conference. (*Id.*)

Accordingly, Defendants are HEREBY ORDERED to file a copy of the unedited video tape of Defendant Duran’s deposition, along with any opposition to Plaintiff’s requests, on or before March 17, 2010. This issue will be ruled on at the telephonic trial confirmation hearing on March 29, 2010.

IT IS SO ORDERED.

Dated: March 8, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE