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5 Attorneys for Plaintiffs,  
 LUPE E. MARTINEZ, GEORGE RENDON  
 6 and PRISCILLA RENDON

7  
 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11 LUPE E. MARTINEZ and RALPH C.  
 RENDON,

Lead Case No.: 1:06 CV 00233 OWWGSA  
 (Consolidated with Case No.: 1:06 CV 01851)

12 Plaintiffs,

**STIPULATION AND ORDER TO THE UNITED  
 STATES NAVY, UNITED STATES MARINE  
 CORPS**

13 v.

14 CITY OF FRESNO; JERRY DYER, CHIEF  
 15 OF THE FRESNO POLICE DEPARTMENT;  
 SGT. MICHAEL MANFREDI; OFFICER  
 16 MARCUS K. TAFOYA; OFFICER BELINDA  
 ANAYA, and DOES 1-20, in their  
 17 individual and official capacities,  
 Inclusive.

18 Defendants.  
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20 **IT IS HEREBY STIPULATED** by and between the parties, through their respective  
 21 counsel of record, as follows:

22 Defendant CITY OF FRESNO and Plaintiffs LUPE E. MARTINEZ, GEORGE RENDON and  
 23 PRISCILLA RENDON have previously attempted to have the United States Marine Corps  
 24 produce witnesses and the parties have received conflicting information from that agency  
 25 as to whether or not they require an Order from the Court. The parties to this stipulation  
 26 therefore agree that the information sought is discoverable, and that this Court may issue  
 27 an Order compelling the United State Marine Corps as follows:

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1           1.       Requiring the United States Navy, Office of the Judge Advocate General,  
2                    acting on behalf of the United States Marine Corps to produce the officer,  
3                    non-commissioned officer, director, managing agent, employee, or agent  
4                    most qualified from U.S. Navy (USMC) regarding George Rendon's  
5                    applications for reenlistment in December, 2007 and April, 2009, and the  
6                    impact, if any, of pending charges in civilian Court on either the reenlistment  
7                    or enlistment applications, for deposition in this matter.

8   DATED: April 17, 2009                   **DREYER BABICH BUCCOLA CALLAHAM & WOOD, LLP**

9    By:       /s/ Charles M. Barrett        
10   CHARLES M. BARRETT  
11   Attorneys for Plaintiffs, LUPE MARTINEZ,  
12   GEORGE RENDON and PRISCILLA RENDON

13   DATED: April 17, 2009                   **LYNBERG & WAKTINS**

14   By:       /s/ Matthew Harrison        
15   DANA ALDEN FOX  
16   MATTHEW HARRISON  
17   Attorneys for Defendants, MICHAEL MANFREDI and  
18   MARCUS K. TAFOYA

19   DATED: April 17, 2009                   **KAPETAN BROTHERS**

20   By:       /s/ Peter Nicholas Kapetan        
21   PETER NICHOLAS KAPETAN  
22   Attorneys for Plaintiffs, RALPH C. RENDON, ALFRED  
23   HERNANDEZ, CLAUDIA RENDON, JOHN NUNEZ, JR.,  
24   LAWRENCE RENDON, RICHARDO RENDON and VIVIAN  
25   CENTENO

26   DATED: April 17, 2009                   **PORTER SCOTT**

27   By:       /s/ John Whitefleet        
28   JOHN WHITEFLEET  
   Attorneys for Defendants, CITY OF FRESNO, BELINDA  
   ANAYA and JERRY DYER

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**ORDER**

Based upon the stipulation of the parties, and good cause appearing, therefor:

**IT IS HEREBY ORDERED** that the United States Navy, Office of the Judge Advocate General, acting on behalf of the United States Marine Corps shall produce for deposition:

1. The officer, non-commissioned officer, director, managing agent, employee, or agent most qualified from U.S. Navy (USMC) regarding George Rendon’s applications for reenlistment in December, 2007 and April, 2009, and the impact, if any, of pending charges in civilian Court on either the reenlistment or enlistment applications.

Dated: 4/17/2009

/s/ OLIVER W. WANGER  
The Honorable Oliver W. Wanger  
United States District Court Judge