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15 GEORGE A. SOULIOTES

16
17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19
20 GEORGE A. SOULIOTES,
21 Petitioner,

22 v.

23 ANTHONY HEDGPETH, Warden, Salinas
Valley State Prison, *et al.*,
24 Respondents.
25

Case No. 1:06-CV-00667-OWW-MJS
(HC)

**STIPULATION AND ORDER
REGARDING UNDISPUTED FACTS**

1 WHEREAS, on January 4, 2011, the parties filed a Joint Pretrial Statement containing a
2 statement of undisputed facts agreed to by the parties;

3 WHEREAS, on January 6, 2011, the parties attended a pretrial conference with the
4 Honorable Magistrate Judge Seng in chambers, at which Judge Seng expressed a desire to ensure
5 that the record contain sufficient evidence of each undisputed fact to satisfy a reviewing court;

6 WHEREAS, the parties seek to satisfy the Court's concern while minimizing the length
7 of the hearing and number of witnesses, avoiding unnecessary or duplicative evidence, and
8 limiting the scope of the hearing to matters genuinely in dispute;

9 NOW THEREFORE, the parties stipulate that:

10 The record in this case, including the expert reports filed with the Court and the
11 deposition transcripts designated by the parties, contains sufficient evidence to support the
12 sixteen undisputed facts listed in the "Undisputed Facts" section of the Joint Pretrial Statement
13 submitted on Jan. 4, 2012, Docket Number 108. These facts should therefore be accepted as
14 true, and the parties need not present additional evidence or testimony in support of them at the
15 evidentiary hearing scheduled to begin on January 24, 2012.

16 SO STIPULATED.

17 Dated: January 8, 2012 Respectfully submitted,

18 ORRICK, HERRINGTON & SUTCLIFFE LLP
19 NORTHERN CALIFORNIA INNOCENCE PROJECT

20
21 By: /s/ Jimmy S. McBirney
22 JIMMY S. MCBIRNEY
Attorneys for Petitioner George A. Souliotes

23 Dated: January 8, 2012 KAMALA D. HARRIS
24 Attorney General of California

25
26 By: /s/ Kathleen A. McKenna
27 KATHLEEN A. MCKENNA
Supervising Deputy Attorney General
28 Attorneys for Respondent

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ORDER

Reserving to itself the ultimate issues of admissibility and weight to be given to the evidence, the Court approves the Stipulation.

IT IS SO ORDERED.

Dated: January 9, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE