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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)

STIPULATIONS AND ORDER

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2 WHEREAS, the Court's Pre-Hearing Order of January 10, 2012 instructed the parties to
3 submit stipulations regarding evidence and exhibits;

4 WHEREAS, the parties seek to comply with the Court's Order, minimize disputes and
5 uncertainty, and avoid the need for unnecessary authentication witnesses at the evidentiary
6 hearing set to begin on January 24, 2012;

7 NOW THEREFORE, the parties stipulate that:

- 8 1. The exhibits contained on the parties Joint Exhibit List, marked J-I through
9 J-XLIX, shall be deemed admitted into evidence for all purposes.
- 10 2. The parties stipulate to the authenticity of the exhibits contained on Petitioner's
11 Exhibit List, marked P-1 through P-12, and Respondent's Exhibit List, marked
12 R-1 through R-7. The parties further stipulate that these exhibits shall not be
13 objected to on the grounds that they did not appear on the parties' January 4, 2012
14 Joint Pretrial Statement. The parties expressly reserve their respective rights to
15 object to the admissibility of these exhibits on any other grounds.
- 16 3. The parties may cite freely to the trial record, which has previously been lodged
17 with the Court pursuant to Respondent's unopposed October 28, 2011 Request for
18 Expansion of the Record, throughout the evidentiary hearing.
- 19 4. The parties may cite freely to all deposition testimony of any deponent that will
20 testify live at the evidentiary hearing, so long as the original certified transcript of
21 the deposition has been lodged with the Court pursuant to the Pre-Hearing Order.

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2 5. All experts designated by the parties as expert witnesses on their respective
3 December 1, 2011 expert witness disclosures are deemed qualified to give expert
4 testimony regarding the subject matter addressed in their reports. The parties
5 reserve the right to examine all experts regarding specific qualifications listed or
6 omitted from their respective reports, and to challenge their competence and
7 reliability in providing any offered opinion. Such challenges shall go to the
8 weight, but not the admissibility, of the expert's testimony.

9 **SO STIPULATED.**

10 Dated: January 20, 2012 Respectfully submitted,

11 ORRICK, HERRINGTON & SUTCLIFFE LLP
12 NORTHERN CALIFORNIA INNOCENCE PROJECT

13 By: /s/ Jimmy S. McBirney

14 JIMMY S. MCBIRNEY
15 Attorneys for Petitioner George A. Souliotes

16 Dated: January 20, 2012 KAMALA D. HARRIS
17 Attorney General of California

18 By: /s/ Kathleen A. McKenna

19 KATHLEEN A. MCKENNA
20 Supervising Deputy Attorney General
21 Attorneys for Respondent

22 **ORDER**

23
24 IT IS SO ORDERED.

25 Dated: January 21, 2012

26 /s/ Michael J. Seng
27 UNITED STATES MAGISTRATE JUDGE
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