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(SPACE BELOW FOR FILING STAMP ONLY)

6 Attorneys for Plaintiff  
 AMCO INSURANCE COMPANY  
 7

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

11 AMCO INSURANCE COMPANY, a  
 Corporation,  
 12  
 Plaintiff,  
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 v.  
 14  
 15 ABBY FARMS, INC., dba MERCADO  
 DEL VALLE, a California Corporation,,  
 16  
 Defendant.

Case No. 01-08-cv-01684-LJO-GSA

**STIPULATION AND ORDER AS TO  
 ADMISSIBILITY OF TRANSCRIPTS OF  
 EXAMINATIONS UNDER OATH**

17  
 18 ABBY FARMS, INC., a California  
 Corporation,  
 19  
 Counterclaimant,  
 20  
 v.  
 21  
 22 AMCO INSURANCE COMPANY, a  
 Corporation, ROES 1-20,  
 23  
 Counterdefendant.

24 IT IS HEREBY STIPULATED AND AGREED by and between the Parties, through their  
 25 respective counsel of record, as follows:

- 26 1. That prior to the instant litigation, Sergey and Julia Ilisirov provided examinations  
 27 under oath to Plaintiff/Counterdefendant AMCO Insurance Company relating to the claim arising  
 28 out of the April 10, 2007 fire at Mercado del Valle operated by Defendant/Counterclaimant Abby

1 Farms, Inc.

2           2.       In order to streamline discovery in this matter, the Parties agree that the certified  
3 stenographic transcript and video recordings of those examinations under oath will be treated as  
4 though they were depositions taken in this matter and their use at trial will be governed according  
5 to Federal Rule of Civil Procedure 32 and will be admissible at the time for trial in this matter for  
6 any permissible use pursuant thereto as well as in connection with Federal Rules of Evidence.

7 Dated: April 1, 2010

JAMES C. HOLLAND  
ATTORNEY AT LAW

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By: /s/ James C. Holland  
James C. Holland  
Attorneys for Defendant and Counterclaimant,  
ABBY FARMS, INC., dba MERCADO DEL  
VALLE

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Dated: April 1, 2010

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

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By: /s/ Gordon M. Park  
Gordon M. Park  
Dana B. Denno  
Attorneys for Plaintiff and Counterdefendant,  
AMCO INSURANCE COMPANY

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a  
3 party to the within action. My business address is McCormick, Barstow, Sheppard, Wayte &  
4 Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501. On April 1, 2010, I  
5 served the within documents:

6 **STIPULATION RE EXAMINATIONS UNDER OATH**

- 7  **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax  
8 number(s) set forth below on this date before 5:00 p.m.
- 9  **BY PERSONAL DELIVERY:** by personally delivering the document(s) listed  
10 above to the person(s) at the address(es) set forth below.
- 11  **BY MAIL:** by placing the document(s) listed above in a sealed envelope with  
12 postage thereon fully prepaid, in the United States mail at Fresno, California  
13 addressed as set forth below.
- 14  **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an  
15 overnight delivery service company for delivery to the addressee(s) on the next  
16 business day.
- 17  **BY ELECTRONIC SUBMISSION:** per court order, submitted electronically by  
18 Verilaw to be posted to the website and notice given to all parties that the  
19 document has been served.

20 James C. Holland  
21 Attorney at Law  
22 134 North Conyer Avenue  
23 Visalia, CA 93291

24 Attorney representing:  
25 Defendant and Counter-  
26 claimant, ABBY FARMS, INC., dba  
27 MERCADO DEL VALLE

28 I am readily familiar with the firm's practice of collection and processing  
correspondence for mailing. Under that practice it would be deposited with the U.S. Postal  
Service on that same day with postage thereon fully prepaid in the ordinary course of business. I  
am aware that on motion of the party served, service is presumed invalid if postal cancellation  
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at  
whose direction the service was made.

Executed on April 1, 2010, at Fresno, California.

/s/ Della Johnson  
Della Johnson