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CITY OF ANGELS CAMP,  
5 CHRIS COMFORT and,  
TONY TACHEIRA  
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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 MICHAEL ZIEHLKE,  
12 Plaintiff

Case No. 1:08-CV-01802-AWI-GSA

**ORDER RE: TESTIMONY OF  
PLAINTIFF'S EXPERT, JACK SMITH**

13 v.

14 THE CITY OF ANGELS CAMP, and CHRIS  
COMFORT, individually and as employee of  
15 the CITY OF ANGELS CAMP, TONY  
TACHEIRA, individually and as the CHIEF  
16 OF POLICE OF THE CITY OF ANGELS  
CAMP, and DOES 1 through 20, inclusive,  
17

TRIAL: March 16, 2010

Defendants

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19 The Court, having read and considered the "Stipulation Re: Testimony of Plaintiff's  
20 Expert Witness, Jack Smith", duly entered between the parties, and Good Cause Appearing;

21 IT IS ORDERED that plaintiff shall not call Jack Smith during the presentation of  
22 plaintiff's case in chief at the trial in this matter. Plaintiff may call said expert at the trial in this  
23 action only to rebut the opinion testimony of any defense expert which may be called by defendants  
24 during the presentation of their case in chief.

25  
26 IT IS SO ORDERED.

27 Dated: December 3, 2009

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE