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7 EXXONMOBIL OIL CORPORATION

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 EXXONMOBIL OIL CORPORATION,
11 Plaintiff,
12 v.
13 NICOLETTI OIL, INC. *et al.*,
14 Defendants.

No. 1:09-cv-01498-AWI-SAB

**STIPULATION RE BUSINESS
RECORDS (~~PROPOSED~~) ORDER**

Judge: Hon. Anthony W. Ishii
Third Am. Compl. Filed: Oct. 8, 2010
Trial Date: March 5, 2013

16 IT IS HEREBY STIPULATED AND AGREED that the April 2, 2008
17 Memorandum from Nathan Casebeer to Duncan Austin (Wood Depo. Ex. 26) produced in this
18 action is a record of a regularly conducted activity under Fed. R. Evid. 803(6) and is authentic
19 under Fed. R. Evid. 901.

20 This stipulation is not intended to waive objections by Nicoletti to introduction of
21 this document into evidence for reasons other than as stated herein. Nicoletti reserves the right
22 to raise objections based upon, without limitation, relevance, waste of time, and hearsay within
23 hearsay.
24

25 DATED: February 23, 2013

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26 By: /s/ Berj K. Parseghian

27 Berj K. Parseghian
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By: /s/ Steven R. Tekosky

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Nicoletti Oil, Inc., Dino J. Nicoletti, and John A
Nicoletti

IT IS SO ORDERED.

Dated: February 27, 2013



SENIOR DISTRICT JUDGE