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9 Attorneys for Defendant CLOVIS UNIFIED SCHOOL DISTRICT

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 JAMES M. LANIER,
13 Plaintiff,

14 vs.

15 CLOVIS UNIFIED SCHOOL DISTRICT; and)
16 DOES 1 TO 10,)
17 Defendants.)
18)
19)
20)

CASE NO. 1:11 CV 01613 LJO GSA

**STIPULATION AND ORDER TO APPEAR
FOR DEPOSITION AND TO SHORTEN
TIME TO FILE A MOTION TO COMPEL**

21 **WHEREAS** the parties participated in an informal telephone conference with Judge Gary S.
22 Austin on February 27, 2013, and agreed that in exchange for Defendant, CLOVIS UNIFIED
23 SCHOOL DISTRICT agreeing to once again continue Plaintiff, JAMES LANIER’S deposition date
24 to March 18, 2013, Plaintiff, JAMES LANIER agreed to execute a stipulation that should he again
25 fail to appear for deposition, that Defendant, CLOVIS UNIFIED SCHOOL DISTRICT could seek a
26 motion to compel on shortened notice.

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1 **IT IS HEREBY STIPULATED** and agreed by and between the parties, by and through their
2 undersigned counsel of record, that Plaintiff, JAMES LANIER will appear for his deposition on
3 March 18, 2013 at 10:00 a.m. at 1155 W. Shaw Ave., Suite 101 in Fresno, CA.

4 **It is further stipulated** that should Plaintiff, JAMES LANIER violate the above stipulation,
5 Defendant, CLOVIS UNIFIED SCHOOL DISTRICT may file an *ex parte* application to compel
6 Plaintiff to appear for deposition. It is further agreed that the *ex parte* application may be ruled on
7 without notice to Plaintiff and that a motion to compel may be heard on seven (7) days notice.

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9 DATED: February 28, 2013

LAW OFFICES OF BENJAMIN L. RATLIFF

10
11 By: _____
12 Chad T. Snyder, Attorney for Defendant
13 Clovis Unified School District

14 DATED: February 28, 2013

15 By: _____
16 JAMES LANIER, Plaintiff, in pro per.

ORDER

Good cause appearing therefore, and pursuant to stipulate of the parties by and through their respective counsel,

IT IS HEREBY ORDERED that:

1. Plaintiff, JAMES LANIER is to appear for and testify at the deposition, which is currently scheduled to begin on March 18, 2013 at 10:00 a.m. at 1155 W. Shaw Ave., Suite 101 in Fresno, CA.

2. Any violation of this order will result in the Defendant, CLOVIS UNIFIED SCHOOL DISTRICT being permitted to file an *ex parte* application seeking an order compelling Plaintiff, JAMES LANIER to appear for deposition, produce the requested documents, and to seek monetary and evidentiary sanctions against Plaintiff on seven days notice. Defendant CLOVIS UNIFIED SCHOOL DISTRICT shall file the *ex parte* application if necessary and the Court will set a hearing date at that time.

3. Plaintiff, JAMES LANIER, is advised that his failure to appear at the deposition as scheduled above will be looked upon with disfavor given the accommodations that the Court and Defendant CLOVIS UNIFIED have made.

IT IS SO ORDERED.

Dated: March 5, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE