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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 DURRELL A. PUCKETT,

13 Plaintiff,

14 vs.

15 R. ZAMORA, et al.

Case No. 1:12-cv-00948 JLT (PC)

**JOINT STIPULATION TO MODIFY
PRETRIAL ORDER (DOC. 63)**

(Doc. 86)

16 **RECITALS**

17 WHEREAS, on June 17, 2015, Counsel for Plaintiff and Counsel for defendants Acevedo,
18 Gutierrez, and Rodriguez met and conferred regarding modification of the Court's Pretrial Order of
19 May 15, 2015¹. Counsel for Plaintiff has identified a number of additional exhibits to be used at trial.

20 WHEREAS these parties have agreed to permit Plaintiff to use, if needed, the following Defense
21 exhibits in the prosecution of Plaintiff's case in chief:

22 (1) the Rules Violation Report (CDC 115), Log No. 3A03-12-01-005,

23 (2) all documents contained in the related CRIME/INCIDENT Report (CDC 837), Incident Log
24 No. COR 03A-12-01-0018,

25 (3) Medical Report of Injury or Unusual Occurrence (CDC 7219), dated January 10, 2012

26 (4) Inmate/Parolee Appeal (CDC 602), Log No. COR-12-202,

27 ¹ Counsel for defendant Zamora was not invited to participate in this process, but was informed of plaintiff's proposed
28 additions on June 17, 2015.

1 WHEREAS in addition to the documents listed in the Court's Pretrial Order (Doc. 63) dated
2 May 15, 2015, Plaintiff anticipates admitting the following exhibits:

3 (5) the declaration of C. Acevedo dated June 16, 2014,

4 (6) the declaration of R. Gutierrez dated June 19, 2014,

5 (7) the declaration of P. Rodriguez dated June 20, 2014, and

6 (8) the declaration of R. Zamora dated June 20, 2014.

7 Counsel for defendant Zamora objects to any of these declarations being admitted, as they are
8 hearsay, the declarants are not unavailable, and it would be confusing to the jury.

9 WHEREAS the Court's Pretrial Order has not been previously modified.

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1 Now, therefore, IT IS HEREBY STIPULATED AND AGREED, by and between the parties,
2 through their respective attorneys of record, that the Court's Pretrial Order (Doc. 63) be modified as
3 follows: in addition to the documents listed in the Court's Pretrial Order (Doc. 63) dated May 15, 2015,
4 Plaintiff anticipates seeking to admit the following exhibits:

- 5 (1) Rules Violation Report (CDC 115), Log No. 3A03-12-01-005,
6 (2) all documents contained in the related CRIME/INCIDENT Report (CDC 837), Incident
7 Log No. COR 03A-12-01-0018,
8 (3) Medical Report of Injury or Unusual Occurrence (CDC 7219), dated January 10, 2012,
9 (4) Inmate/Parolee Appeal (CDC 602), Log No. COR-12-202,
10 (6) the declaration of R. Gutierrez dated June 19, 2014,
11 (7) the declaration of P. Rodriguez dated June 20, 2014, and
12 (8) the declaration of R. Zamora dated June 20, 2014.

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14 Dated: June 19, 2015

/s/ William L. Schmidt

William L. Schmidt
Attorney for Plaintiff

KAMALA D. HARRIS
Attorney General of California

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19 Dated: June 19, 2015

By: /s/ Timothy H. Delgado

Timothy H. Delgado
Deputy Attorney General
Attorney for Defendants Acevedo, Gutierrez, and
Rodriguez

BURKE, WILLIAMS & SORENSEN LLP

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24 Dated: June 19, 2015

By: /s/ Susan E. Coleman

Susan E. Coleman
Attorney for Defendant Zamora

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ORDER

The stipulation of counsel to modify the pretrial order (Doc. 86), is **GRANTED**.

IT IS SO ORDERED.

Dated: June 19, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE