

1 MICHAEL J. HADDAD (State Bar No. 189114)
2 JULIA SHERWIN (State Bar No. 189268)
3 T. KENNEDY HELM (State Bar No. 282319)
4 MAYA SORENSEN (State Bar No. 250722)
5 HADDAD & SHERWIN LLP
6 505 Seventeenth Street
7 Oakland, CA 94612
8 Telephone: (510) 452-5500
9 Facsimile: (510) 452-5510

10 Attorneys for Plaintiffs
11 JAIME REYES JR., MIRELLA REYES and
12 JAIME REYES SR.

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

15 JAIME REYES JR., THROUGH HIS)
16 SUCCESSORS IN INTEREST)
17 MIRELLA REYES and JAIME REYES)
18 SR.; MIRELLA REYES, Individually;)
19 and JAIME REYES SR., Individually,)
20 Plaintiffs,)

21 vs.)

22 CITY OF FRESNO, a public entity,)
23 CITY OF FRESNO POLICE CHIEF)
24 JERRY DYER, FRESNO POLICE)
25 OFFICER JUAN AVILA, FRESNO)
26 POLICE OFFICER MIGUEL)
27 ALVAREZ, individually, and DOES 3)
28 through 10, Jointly and Severally,)

29 Defendants.)
30)
31)
32)
33)
34)
35)

Case No. 1:13-cv-00418-DAD-SKO

**STIPULATION AND ORDER
RESOLVING AND WITHDRAWING
PLAINTIFFS' MOTION TO COMPEL
DOCUMENTS RESPONSIVE TO
PLAINTIFFS' REQUEST FOR
PRODUCTION NO. 7 CONCERNING
DEFENDANT AVILA'S FINANCIAL
CONDITION RELATED TO
PLAINTIFFS' PUNITIVE DAMAGES
CLAIMS (DOC. 134)**

1 All parties stipulate, by and through their respective counsel, to resolve Plaintiffs' motion
2 to compel documents concerning Defendant Avila's financial condition (Doc. 134), as follows:

3 Defendant Avila will produce the following financial information, to the extent it exists,
4 and to be treated as confidential pursuant to the Protective Order, from January 1, 2014, to
5 September 30, 2016:

- 6 • Monthly bank statements
- 7 • Monthly mortgage statements
- 8 • Monthly wage, salary, and disability retirement benefit statements
- 9 • Statements of monthly income from any other source
- 10 • Monthly credit card statements
- 11 • Monthly car notes
- 12 • Documentation of all expenses over \$500
- 13 • Documentation of all gifts and/or loans given or received over \$500 at any time during
14 the relevant period
- 15 • Mortgage or loan applications submitted during the relevant period
- 16 • Face pages for Mr. Avila's Federal tax returns for 2014 and 2015, showing gross and
17 net income, and taxes paid

18 The documents will be produced within twenty-one days of the Court's entry of this
19 Stipulation and Order. Plaintiffs hereby agree to withdraw their motion to compel Defendant
20 Avila's financial information (Doc. 134).

21 Dated: October 7, 2016

HADDAD & SHERWIN LLP

/s/ Julia Sherwin

JULIA SHERWIN
Attorneys for Plaintiffs

22 Dated: October 7, 2016

FERGUSON, PRAET & SHERMAN

/s/ Bruce D. Praet

BRUCE D. PRAET
Attorneys for Defendants City of Fresno,
City of Fresno Police Chief
Jerry Dyer, City of Fresno
Police Officer Miguel Alvarez

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Dated: October 7, 2016

HAIGHT BROWN & BONESTEEL LLP

/s/ Kevin M. Osterberg

KEVIN M. OSTERBERG
Attorneys for Defendant Juan Avila

* Messrs. Praet and Osterberg give their permission to file this stipulation with their electronic signatures.

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ORDER

Based on the above stipulation, the Court hereby GRANTS the parties' request. Defendant Avila shall produce the financial condition information identified above, to the extent it exists, within twenty-one (21) days of this Order.

IT IS FURTHER ORDERED that the hearing on Plaintiffs' "Motion to Compel Documents Responsive to Plaintiffs' Request for Production No. 7 Concerning Defendant Juan Avila's Financial Condition Related to Plaintiffs' Punitive Damages Claims" (Doc. 134), currently set for October 19, 2016, is hereby VACATED.

IT IS SO ORDERED.

Dated: October 11, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE