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8 *Developmental Services, David Corral,*
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

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14 **YVONNE ARCURE, KEVIN COOK, &**
JOSEPH FESSENDEN,
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16 Plaintiffs,
17
18 **v.**
19 **CALIFORNIA DEPARTMENT OF**
DEVELOPMENTAL SERVICES,
DEBORAH MEEKER, JEFFREY
BRADLEY, DOUGLAS LOEHNER,
20 **DAVID CORRAL, & MICHAEL FLORES,**
21 Defendants.

1:13-cv-00541-LJO-BAM

STIPULATION AND ORDER RE
DEPOSITIONS BY ORAL
EXAMINATION

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23 The Parties stipulated to modifying the deposition limits provided by Federal Rule of
24 Civil Procedure 30 in their Joint Scheduling Report (Doc. 114, ¶ 6(e)). Their stipulation was not
25 ratified in the Joint Scheduling Order (Doc. 117). Their stipulation is reasonable and necessary
26 given that the conduct Plaintiffs complain about occurred over the course of more than six years
27 and was witnessed by numerous individuals. Indeed, Plaintiffs disclosed 51 witnesses in their
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1 initial disclosures and Defendants California Department of Developmental Services, Douglas
2 Loehner, and Michael Flores disclosed 57 witnesses. The Parties request that the Court enter the
3 following stipulation as an Order:

4 The Parties stipulate that notwithstanding Rule 30(d), Plaintiffs Arcure, Cook, and
5 Fessenden may notice a combined total of 21 depositions. The Parties stipulate that Defendants
6 may notice a combined total of 21 depositions. Of these 21 depositions, Defendant Bradley may
7 notice a total of 2 depositions. Further, the Parties stipulate that the Parties may notice Extended
8 Depositions (a deposition of 12 hours over the course of two days) without leave of court as
9 follows:

10 Plaintiffs Arcure, Cook, and Fessenden may notice eight Extended Depositions; and
11 Defendants DDS, Loehner, and Flores may notice eight Extended Depositions.

12 Defendants may stipulate to re-allocate the number of depositions amongst themselves
13 without leave of court, and without approval or agreement from Plaintiffs.

14 The Parties may seek leave of court to notice additional depositions in accordance with
15 the Federal Rules of Civil Procedure.

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18 **SO STIPULATED.**

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20 Dated: August 26, 2014

Respectfully submitted,

21 KAMALA D. HARRIS
22 Attorney General of California
23 JUDITH A. RECCHIO
24 Supervising Deputy Attorney General

/s/ Matthew T. Besmer

25 MATTHEW T. BESMER
26 Deputy Attorney General
27 *Attorneys for Defendants*
28 *Department of Developmental Services,*
Douglas Loehner and Michael Flores

1 Dated: August 6, 2014

LAW OFFICES OF LAWRENCE J. KING

2 */s/ Lawrence J. King*

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4 _____
Lawrence J. King, Attorney for
Plaintiffs

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6 Dated: July 29, 2014

JEFFREY BRADLEY

7 */s/ Jeffrey Bradley*

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9 _____
Jeffrey Bradley
Pro Per

10 **ORDER**

11 The Court having reviewed the foregoing Stipulation, and for good cause appearing, IT IS
12 HEREBY ORDERED that:

13 Plaintiffs Arcure, Cook, and Fessenden may notice a combined total of 21 depositions.
14 Defendants may notice a combined total of 21 depositions. Of these 21 depositions, Defendant
15 Bradley may notice a total of 2 depositions. Further, the Parties may notice Extended Depositions
16 (a deposition of 12 hours over the course of two days) without leave of court as follows:

- 17 1. Plaintiffs Arcure, Cook, and Fessenden may notice eight Extended Depositions;
- 18 2. Defendants DDS, Loehner, and Flores may notice eight Extended Depositions;
- 19 3. Defendants may stipulate to re-allocate the number of depositions amongst
20 themselves without leave of court, and without approval or agreement from Plaintiffs;
- 21 4. The Parties may seek leave of court to notice additional depositions in accordance
22 with the Federal Rules of Civil Procedure.

23 Notwithstanding the stipulation, the Court is concerned with the number of depositions,
24 the expense, and the potential scheduling difficulties. The parties are directed to meet and confer,
25 with at least one telephonic meet and confer, and provide to the Court a proposed schedule for the
26 anticipated depositions. If the parties are uncertain of all persons/entities who/which will be
27 deposited, the parties shall decide upon and propose a schedule for the first 10 depositions for each
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1 side. (Each side must identify and propose a schedule for at least 10 persons/entities which that
2 side wishes to depose.) The proposed schedule shall be provided to the Court in a status report
3 filed no later than September 26, 2014.

4 IT IS SO ORDERED.

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6 Dated: September 3, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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