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8 Attorney for Defendants, CITY OF MADERA, OFFICER JOSH CHAVEZ

9 **IN THE UNITED STATES DISTRICT COURT FOR THE**
10 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

11 **VICTORIANO MENDEZ GARCIA,**) **CASE NO.: 1:13-CV-01793 MJS**
12)
13 **Plaintiff,**)
14 **vs.**) **STIPULATION AND ORDER RE:**
15) **DEFENDANTS’ PERCIPIENT**
16) **WITNESSES**
17 **CITY OF MADERA, CITY OF MADERA**)
18 **POLICE DEPARTMENT, MADERA**)
19 **POLICE OFFICER JOSH CHAVEZ,**)
20 **et al.,**)
21 **Defendants.**)

22 **IT IS HEREBY STIPULATED** by and between the parties as follows:

23 It is agreed that statements of Victorino Mendez Garcia, Maria Garcia, and Maria Lopez
24 were recorded on the day of the incident in question.

25 It agreed that the witnesses were questioned by Madera Police Sergeant Gino
26 Chiaramonte. The questions that were posed and the responses that were given by the above
27 persons were translated from English to Spanish and Spanish to English by Madera Police
28 Officer Pal. The statements were recorded.

1 The recorded statements were reviewed and translated by Anna Watrous, who is a
2 Certified Interpreter/Translator certified to interpret/translate in the U.S. District Courts and
3 certified by the CA Judicial Council, ID No. 01432580.

4 Transcriptions prepared by Ms. Watrous have been reviewed by the parties, who agree
5 that the transcripts accurately reflect the statements that were recorded on the night of the
6 incident and meet the evidentiary prerequisites of *Federal Rules of Evidence*, Rule 901 (a) and
7 (b)(1).

8 The parties also agree that the transcriptions which are marked as Exhibits D-F, D-G, and
9 D-H meet the prerequisites of Rule 901, but that additional foundation will be required to show
10 the statements or portions thereof are relevant as defined by *Federal Rules of Evidence*, Rule 401
11 before the statements or portions thereof are admissible as evidence at trial.

12 IT IS SO STIPULATED.

13
14 DATED: November 5, 2015.

LAW OFFICES OF GREGORY L. MYERS

15
16 /s/ Gregory L. Myers

17 By: _____

18 GREGORY L. MYERS
Attorney for Defendants, CITY OF
MADERA, OFFICER JOSH CHAVEZ

19 DATED: November 5, 2015.

BENJAMIN B. WAGNER
United States Attorney

20
21 /s/ Benjamin E. Hall

22 By: _____

23 BENJAMIN E. HALL
Assistant U.S. Attorney
Attorney for Defendant
24 United States of America

25 DATED: November 5, 2015.

26 /s/ Lazaro Salazar

27 By: _____

28 LAZARO SALAZAR
Attorney for Plaintiff

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ORDER

Based upon the Stipulation of the parties and good cause having been found, IT IS
HEREBY ORDERED that the transcribed statements of Victorino Mendez Garcia (Exhibit D-F),
Maria Lopez (Exhibit D-G), and Maria Garcia (Exhibit D-H), meet the requirements of *Federal
Rules of Evidence*, Rule 901. The parties will have to show additional foundation to establish the
relevance of any such statement or portion thereof before admissibility will be considered by the
Court.

IT IS SO ORDERED.

Dated: November 6, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE