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9 Attorneys for Plaintiff ERIC GREEN

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

15 ERIC GREEN,

16 Plaintiff,

17 v.

18 CORRECTIONS OFFICER O. DELGADO, in
19 his individual capacity; CORRECTIONS
20 OFFICER J. RAMIREZ, in his individual
capacity; CORRECTIONS OFFICER J.
21 GONZALES, in his individual capacity;
CORRECTIONS OFFICER H. ORTEGA, in
22 his individual capacity; and DOES 1
THROUGH 20 (in their individual capacities),

23 Defendants.

Case No.: 1:14-cv-00297-LJO-JLT (PC)

STIPULATION AND ORDER: RE
DISCOVERY ISSUES RELATED TO
SUBPOENA SERVED ON CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION AND
RELATED SITE VISIT TO
CALIFORNIA CORRECTIONAL
INSTITUTION - TEHACHAPI ON
JUNE 11, 2015

(Doc. 55)

24 TO THE HONORABLE COURT:

25 The undersigned parties, through their counsel of record, hereby enter into the
26 following stipulation:
27

1 WHEREAS plaintiff caused a subpoena to be served on the California Department of
2 Corrections and Rehabilitation on or about May 29, 2015; and

3 WHEREAS this subpoena requests, inter alia, a site visit to CCI-Tehachapi, specifically
4 stating as follows:

5 Eric W. Green's attorneys and consultants request permission to view, inspect,
6 measure and photograph the locations at CCI-Tehachapi where Eric Green was
7 between 7:30 a.m. and 9:30 a.m. on April 14, 2013. Counsel are informed and believe
8 the pertinent areas would include: (a) the medical holding area; (b) the hallways and
rotunda through which Green was escorted when being taken toward 8B-105; (c) the
location where force was used on Green, including any baton strikes; (d) housing unit
8B; and (e) the medical clinic area;

9 and

10 WHEREAS the efficient administration of justice and the protection of the legal interests
11 of all concerned dictate that an advance agreement as to the conditions of the site visit needs be
12 made; and

13 WHEREAS the current June 12, 2015 deadline for filing discovery motions would not, as
14 a practical matter, permit the parties to raise any issues pertaining to this site visit with the Court,

15 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

- 16 1. The site inspection will be limited to areas outlined in the above subpoena request.
- 17 2. Anyone participating in the site visit on plaintiff's behalf must clear a background
18 check, and will have to submit a completed CDCR 106 Form for approval at least two days
19 before the scheduled site visit.
- 20 3. Anyone participating in the site visit on plaintiff's behalf will not take cell phones,
21 cameras, tape recorders or other recording or electronic media onto the prison grounds.
- 22 4. Anyone participating in the site visit on plaintiff's behalf will remain in a
23 group accompanied by an Investigative Services officer, who will have a digital camera and will
24 take photographs as requested by plaintiff's representatives, so long as the photographs would
25 depict locations or objects within the areas described in the subpoena.
- 26 5. The photographs will be reviewed by the CCI-Tehachapi Warden prior to their
27 release to plaintiff's representatives.

28

1 6. Any photographs deemed unsuitable for release to plaintiff's representatives by the
2 Warden will be retained, and, if required, produced to the Court for its *in camera* review.

3 7. The parties will have fourteen (14) days from the date they are notified of the non-
4 release of any of the subject photographs to file any appropriate motions for relief with the Court.

5 8. Counsel for all parties will receive a copy of any photographs released.

6 Dated: June 8, 2015

KEVIN G. LITTLE, ESQ.

7
8 /s/Kevin G. Little
Kevin G. Little
9 Attorney for Plaintiff Eric Green

10 Dated: June 8, 2015

ATTORNEY GENERAL OF CALIFORNIA

11
12 /s/Arthur B. Mark III
Arthur B. Mark III
13 Attorneys for Defendants Delgado, Ramirez &
Gonzales

14 Dated: June 8, 2015

LAW OFFICES OF LEBEAU THELEN, LLP

15
16 /s/Thomas P. Feher
Thomas P. Feher
17 Attorneys for Defendant Ortega

18 Dated: June 8, 2015

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

19
20 /s/James Michael Davis
James Michael Davis
21 CDCR Office of Legal Affairs

22
23 IT IS SO ORDERED.

24 Dated: June 10, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE