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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

<b>STACEY BERBEREIA, individually and on behalf of the ESTATE OF ALBERT HANSON, JR., DANIEL HANSON, and KIMBERLY NIZ,</b>	)	<b>Case No. 1:16-CV-00363-LJO-SKO</b>
<b>Plaintiffs,</b>	)	<b>ORDER ON COUNSELS' STIPULATIONS RE: TRIAL EVIDENCE</b>
<b>vs.</b>	)	<b>Doc. 45</b>
<b>COUNTY OF KINGS; DEPUTY TAYLOR LOPES; DETECTIVE MARIUS BARSTECEANU; DEPUTY THOMAS OLSON; UNKNOWN LAW ENFORCEMENT OFFICERS,</b>	)	
<b>Defendants.</b>	)	

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The Court has received and reviewed Counsels' Stipulations regarding Trial Evidence (Doc. 45). The Court grants the implied request that the stipulations become Orders of the Court, save and except:

*11) To preclude any mention to the jury of the legal defense of qualified immunity except as it may pertain to possible jury instructions, interrogatories or special verdict.*

The Court is not certain of the parameters that are being placed on the mention of the legal defense of qualified immunity. In permitting an exception to discussions in front of the jury concerning interrogatories, once mentioned, the door would be open. If counsel are anticipating that the term of qualified immunity is to be included in jury instructions and the

1 special verdict, how do counsel plan to make certain there is no mention of the concept during  
2 the presentation of evidence?

3 *16) To bifurcate trial as to the amount, but not the entitlement, to punitive damages.*

4 Are counsel suggesting that there be no mention of the term “punitive damages” until  
5 and unless there are the prerequisite factual findings made by the jury?

6 *21) To permit at least 1 hour of voir dire per side.*

7 The permissibility of counsel voir dire is not a proper matter for stipulations. This is a  
8 matter within the discretion of the Court. Counsel should take advantage of the opportunity to  
9 submit **written** proposed voir dire questions, that, in the discretion of the Court may be asked.

10 If the Parties wish to stipulate in an effort to clarify either of the first two issues  
11 discussed above, any such stipulation must be resubmitted no later than five (5) court days from  
12 the date of this Order.

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14 IT IS SO ORDERED.

15 Dated: May 7, 2018

16 /s/ Lawrence J. O’Neill  
17 UNITED STATES CHIEF DISTRICT JUDGE  
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