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

JERRY GRANT FRYE,

Petitioner,

No. CIV S-99-0628 LKK KJM

vs.

DEATH PENALTY CASE

WARDEN, San Quentin  
State Prison,

Respondent.

ORDER

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On October 27, 2010, the undersigned held a status conference. Tivon Schardl and Jennifer Mann appeared for petitioner. Wanda Hill Rouzan and Craig Meyers appeared for respondent. After hearing the arguments of counsel, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. The following witnesses shall provide their evidentiary hearing testimony before the undersigned starting on February 14, 2011 at 9:00 a.m.: Judd Iversen, Madeline McDowell, Theresa Waller, James Thomson, Gary Bricker and Larry Dixon. To accommodate counsel's schedules, the hearing will proceed through February 18 and resume on February 28 until concluded.

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1           2. The testimony of the remaining evidentiary hearing witnesses shall be taken by  
2 deposition. Before November 15, 2010, the parties shall meet and confer regarding scheduling  
3 the testimony of these witnesses. By November 15, the parties shall file a joint statement setting  
4 out a schedule for taking that testimony.

5           3. Respondent's counsel indicated that existing orders may prevent them from  
6 preparing fully for the evidentiary hearing. If respondent seeks a change in pre-evidentiary  
7 hearing or evidentiary hearing procedures, he may make an appropriate motion.

8           4. By October 29, 2010, petitioner shall have filed any motion for an evidentiary  
9 hearing on claim 37. If respondent will seek discovery on claim 37, he shall file a motion for  
10 discovery by November 29, 2010. If respondent will not seek discovery on claim 37, he shall  
11 file any opposition to the evidentiary hearing motion by December 15, 2010. Petitioner shall file  
12 any reply within 30 days of the filing of the opposition. After receipt of the briefs, the court will  
13 determine whether oral argument is necessary.

14           5. By November 30, 2010, petitioner shall file the videotape of Dr. Victoroff's  
15 testimony.

16 DATED: November 1, 2010.

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20 U.S. MAGISTRATE JUDGE  
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