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MCBREEN & SENIOR  
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Attorneys for Petitioner  
MILTON OTIS LEWIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MILTON OTIS LEWIS,	)	CASE NO. CIV-S-02-0013 FCD GGH DP
	)	
Petitioner,	)	STIPULATION AND ORDER
	)	REGARDING HEARING DATE
vs.	)	
	)	Hearing date:
ROBERT AYERS, Warden,	)	October 21, 2009 9:00 a.m.
	)	
Respondent.	)	
	)	<u>DEATH PENALTY CASE</u>
	)	
	)	

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Pursuant to the Court’s order filed on July 29, 2009, the parties have met and conferred about the precise scheduling of an evidentiary hearing in October 2009, and also consulted with the courtroom deputy clerk regarding the Court’s available calendar, and hereby stipulate and agree that:

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Counsel and their expert witnesses are available to commence an evidentiary hearing as outlined in the Court’s July 29, 2009 order on October 21, 2009 at 9:00 a.m., and should the hearing not be completed on that day, are available to resume on October 23, 2009 at 9:00 a.m. In order to facilitate the schedule of respondent’s expert, Dr. Roderick Ponath, the parties further agree that this witness will be called first on October 21, 2009.

DATED: September 2, 2009

MCBREEN & SENIOR

/s/ David A. Senior  
DAVID A. SENIOR  
GARY D. SOWARDS  
Attorneys for Petitioner  
MILTON OTIS LEWIS

DATED: September 2, 2009

/s/ Barton Bowers  
(as authorized on September 2, 2009)  
BARTON BOWERS  
Deputy Attorney General  
  
EDMUND G. BROWN JR.  
Attorney General of California  
MICHAEL A. CANZONERI  
Supervising Deputy Attorney General  
Attorneys for Respondent

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[PROPOSED] ORDER

Pursuant to the foregoing stipulation, IT IS SO ORDERED.

DATED: September 3, 2009.

/s/ Gregory G. Hollows

\_\_\_\_\_  
Hon. Gregory G. Hollows  
U.S. Magistrate Judge

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