

1 FRANK R. RECKER, ESQ. (Pro Hac Vice)
FRANK R. RECKER & ASSOCIATES CO., L.P.A.
2 1850 San Marco Road, Suite A
Marco Island, FL 34145-3014
3 Phone: 239.642.4704
Fax: 239.642.5238
4

5 ANN TAYLOR SCHWING, ESQ. (#91914)
McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law
6 500 Capitol Mall, 18th Floor
Sacramento, CA 95814
7 Phone: 916.444.3900
Fax: 916.444.3249
8

9 Attorneys for Plaintiffs

10 EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
11 Lead Supervising Deputy Attorney General
JEFFREY M. PHILLIPS, State Bar No. 154990
12 Deputy Attorney General
California Department of Justice
13 1300 I Street, Suite 125
P.O. Box 944255
14 Sacramento, CA 94244-2550
Telephone: (916) 324-6292
15 Facsimile: (916) 327-8643

16 Attorneys for Defendants

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EASTERN DISTRICT OF CALIFORNIA
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Potts, et al v. Hamilton, et al

Doc. 192

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18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA
20

21 MICHAEL L. POTTS, D.D.S., and THE
AMERICAN ACADEMY OF IMPLANT
22 DENTISTRY,

23 Plaintiffs,

24 v.

25 BRIAN STIGER, in his Official Capacity as
Director, California Department of Consumer
26 Affairs, et al.,

27 Defendants.
28

Case No. Civ. S-03-0348 JAM DAD

**Stipulation and Order re: Evidence in
Support of Pending Motions for Summary
Judgment/ Summary Adjudication**

Date: 07/07/10
Time: 9:00 a.m.
Courtroom: 6 - 14th Floor
Judge John A. Mendez
Trial Date Vacated
Action Filed: February 25, 2003

1 Plaintiffs Michael L. Potts, D.D.S., and The American Academy of Implant Dentistry
2 ("AAID") (collectively "plaintiffs"), and Brian Stiger, Director, California Department of Consumer
3 Affairs, and individually named members of the California Dental Board (sued only in their official
4 capacity) (collectively "defendants") hereby respectfully submit the following Stipulation and Order
5 regarding the admission of certain documents into evidence for the hearing on the Motions for
6 Summary Judgment/ Summary Adjudication set for July 7, 2010.

7 The parties agree that all documents filed after the discovery cut-off of December 1, 2003,
8 but submitted in support of and in opposition to the Cross-Motions for Summary Judgment that was
9 heard in this matter previously on or about March 10, 2004, may be relied upon by this court in the
10 pending Motions for Summary Judgment/ Summary Adjudication set for July 7, 2010, subject to any
11 challenges to admissibility under the Federal Rules of Evidence. Defendants withdraw their motion
12 to strike the Declarations of Armstrong and Stokes based on their filing date.

13 Furthermore, defendants withdraw their Evidentiary Objection and Motion to Strike the
14 Declaration of plaintiff Michael L. Potts, D.D.S. dated March 25, 2010 ("Potts II Declaration")
15 [Docket No. 169] and Declaration of Sharon Bennett dated March 30, 2010, with attached exhibits,
16 on the grounds that they filed after the discovery cut-off. [Docket No. 168].

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All Declarations filed in support or in opposition to the pending Motions for Summary Judgment/ Summary Adjudication currently set for July 7, 2010, may be considered, subject to any challenges to admissibility under the Federal Rules of Evidence.

DATED: June 9, 2010

FRANK R. RECKER
FRANK R. RECKER & ASSOCIATES CO.,
L.P.A.

and

McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law

By: /s/
ANN TAYLOR SCHWING
Attorneys for Plaintiffs

and

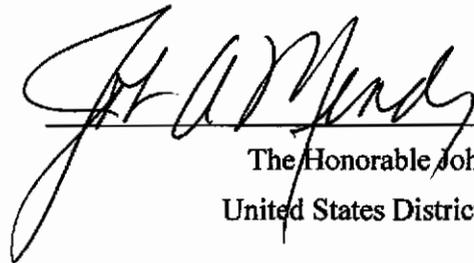
EDMUND G. BROWN, JR.
Attorney General of the State of California

By: /s/
JEFFREY M. PHILLIPS
Deputy Attorney General
Attorneys for Defendants

ORDER

After considering the stipulation by the parties, and good cause appearing, it is so ordered.

Dated: 6-10-2010



The Honorable John A. Mendez
United States District Court Judge