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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	MICHAEL A. COX,	No. 2:04-CV-0065 MCE CKD
12	Petitioner,	DEATH PENALTY CASE
13	v.	
14	WARDEN, San Quentin State Prison,	<u>ORDER</u>
15	Respondent.	
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17	On May 29, 2015, the court granted in part petitioner's motion to perpetuate testimony.	
18	(ECF No. 157.) The court permitted petitioner to preserve the testimony of Dr. Albert Globus,	
19	five social history witnesses, and Juror Kurtzman. The court ordered the parties to meet and	
20	confer, within thirty days of the court's order, regarding the method for taking the testimony of	
21	the six lay witnesses. In the meantime, respondent sought, and was denied, reconsideration of the	
22	May 29 order. (ECF Nos. 160, 163.) Petitioner now files a status report partly describing the	
23	parties' discussions regarding the perpetuation of testimony and requesting the court set a	
24	schedule for respondent to move for discovery prior to the testimony deposition or depositions.	
25	(ECF No. 164.)	
26	Petitioner's filing leaves a number of questions unanswered.	
27	IT IS HEREBY ORDERED that within ten days of the filed date of this order, respondent	
28	shall file a status report explaining the following:	

1	1. Whether, after review of discovery, he may be willing to stipulate to the submission of	
2	the declarations of the social history witnesses and Juror Kurtzman as their testimony;	
3	2. Whether, after receipt of the discovery provided by petitioner on August 27, he intends	
4	to move for additional discovery prior to the taking of testimony; and	
5	3. His position on the protective order proposed by petitioner, which this court has	
6	approved in Lenart v. Warden, 2:05-cv-1912 MCE CKD (ECF Nos. 139, 141).	
7	Dated: September 1, 2015	
8	CAROLYN K. DELANEY	
9	UNITED STATES MAGISTRATE JUDGE	
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