1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MICHAEL A. COX, No. 2:04-CV-0065 MCE CKD 12 Petitioner. DEATH PENALTY CASE 13 v. 14 WARDEN, San Quentin State Prison, **ORDER** 15 Respondent. 16 17 The court permitted petitioner to perpetuate the testimony of Dr. Albert Globus, five 18 social history witnesses, and Juror Kurtzman. (ECF Nos. 157, 163.) Respondent seeks discovery 19 prior to determining the method for taking the testimony of each of the lay witnesses and prior to 20 deposing Dr. Globus. (ECF No. 165.) In addition, respondent informs the court that he is 21 willing to stipulate to issuance of a protective order like the one approved in Lenart v. Warden, 22 2:05-cv-1912 MCE CKD (ECF Nos. 139, 141). (<u>Id.</u>) 23 Accordingly, the court sets the following schedule for any discovery related to the taking 24 of the testimony of the seven witnesses identified above. Within thirty days of the filed date of this order, respondent shall file any motion for 25 discovery related to the taking of the testimony of Dr. Albert Globus, Marjorie Comer, 26 27 Joanne Wells, Shirley Garrett, Timothy Jayne, Sr., Fairman Jayne, and David 28 Kurtzman. Respondent should not notice the motion for hearing. If the parties seek a

1	hearing, they shall notify the court within ten days after the date scheduled for filing
2	the reply.
3	2. Within thirty days of the filed date of respondent's motion, petitioner shall file an
4	opposition. Respondent may file a reply within fourteen days thereafter.
5	3. If respondent does not move for discovery as set forth in paragraph 1, petitioner may
6	proceed to schedule the testimony depositions.
7	4. Within twenty days of the filed date of this order, petitioner shall file a proposed
8	protective order. If the proposed protective order varies from the protective order
9	issued in Lenart, petitioner shall meet and confer with respondent before filing it to
10	obtain respondent's position on the changes and shall notify the court regarding
11	respondent's position.
12	IT IS SO ORDERED.
13	Dated: September 22, 2015 Carop U. Delany
14	CAROLYN K. DELANEY
15	UNITED STATES MAGISTRATE JUDGE
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