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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS HOWARD LENART,
Petitioner,
v.
WARDEN, San Quentin State Prison,
Respondent.

No. 2:05-cv-1912 MCE CKD
DEATH PENALTY CASE
ORDER

On May 29, 2013, the undersigned held a hearing on petitioner’s motions to stipulate to declarations and/or perpetuate testimony and to strike. Lissa Gardner appeared for petitioner. Wesley Van Winkle participated by telephone for petitioner. Jesse Witt appeared for respondent. After considering the parties’ briefs and the arguments of counsel, the court announced the following orders:

1. Petitioner’s request to lift the stay of these proceedings for the purpose of considering the motion to perpetuate testimony is granted.
2. Petitioner’s motion to strike (ECF No. 113) respondent’s late brief is denied.
3. Respondent’s request for permission (ECF No. 112) to file his late opposition brief is granted.
4. Argument on petitioner’s motion to stipulate to declarations and/or perpetuate testimony (ECF No. 105) is continued to June 5, 2013 at 10:00 a.m. before the

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undersigned. Supervising Deputy Attorney General Ward Campbell shall appear for respondent in order to facilitate discussion of stipulations to the testimony of some or all of the witnesses who are the subject of petitioner's motion. In addition, by the close of business on June 3, 2013, petitioner's counsel shall provide to respondent's counsel any documents, which have not previously been provided, referenced in the declarations of the witnesses who are the subject of the pending motion.

Dated: May 29, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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