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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAVARIS MARQUEZ TUBBS,

Plaintiff,

NO. CIV. S-06-280 LKK/GGH

v.

SACRAMENTO COUNTY JAIL, et al

Defendants.

O R D E R

_____ /

The court and parties held a telephone conference on January 9, 2009, to discuss witness Sgt. Rex Parker's availability to testify at trial. As discussed in that conference, the court ORDERS that:

- 1) Sgt. Parker is unavailable to testify at trial, within the meaning of Fed. R. Evid. 804(a)(4).
- 2) The parties shall depose Sgt. Parker.
- 3) The deposition shall be videotaped.
- 4) The parties shall split the costs associated with the deposition.

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IT IS SO ORDERED.

DATED: January 12, 2009.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT