

1 GEOFFREY A. BEATY, ESQ. (Bar No. 84997)
 2 R. MANUEL FORTES, ESQ. (Bar No. 139249)
 3 RANKIN, SPROAT, MIRES, BEATY & REYNOLDS
 4 A Professional Corporation
 1333 Broadway, Suite 600
 Oakland, CA 94612
 Tel: (510) 465-3922 Fax: (510) 452-3006

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 6 Attorneys for Defendants,
 MATTHEW CATE and DAVID SHAW

[E-FILING MANDATORY]

7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 SAM BESS,
 11 Plaintiff,

Case Number: 2:07-CV-01989-JAM-JFM
 Judge: Hon. John A. Mendez

12 vs.
 13 MATTHEW CATE, DAVID SHAW, et al.,
 14 Defendants.

**STIPULATION AND ORDER
 REGARDING DEPOSITION OF
 PLAINTIFF SAM BESS**

Trial: November 16, 2009

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 17 Pursuant to Rule 30(d) of the Federal Rules of Civil Procedure (Rule 30(d)),
 18 Plaintiff Sam Bess (“Plaintiff”) and Defendants Matthew Cate, David Shaw, Roderick Hickman,
 19 Jeanne Woodford, John Dovey, Scott Kernan, and Martin Hoshino (together, “Defendants”),
 20 collectively referred to as the “Parties,” hereby stipulate as follows:
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22 1. Defendants believe that, due to the number of allegations and documents
 23 referenced in the complaint, the “1 day of 7 hours” limitation imposed by Rule 30(d) will provide
 24 insufficient time to take the deposition of Plaintiff.

25 2. The Parties therefore stipulate that Plaintiff’s deposition will take place over three
 26 consecutive seven-hour days. The parties previously stipulated that the deposition would take
 27 place on December 17-19, 2008, but prior to those dates, they agreed to continue the deposition
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to future dates. The parties hereby stipulate that the deposition will take place on February 25-27, 2009.

3. The Parties further stipulate that Defendants shall collectively complete Plaintiff's deposition on those dates, with no further deposition of Plaintiff and no reservation of rights to re-open the deposition by any of Defendants for any reason, except for good cause shown, and with leave of Court pursuant to Rule 30(d)(1).

4. The Parties also stipulate that Plaintiff's deposition will take place in downtown Sacramento.

Dated: January 14, 2009.

RANKIN, SPROAT, MIRES, BEATY & REYNOLDS
GEOFFREY A. BEATY
R. MANUEL FORTES

By: /s/ R. Manuel Fortes
R. MANUEL FORTES
Attorneys for Defendants MATTHEW CATE
and DAVID SHAW

EDMUND G. BROWN JR.
Attorney General of the State of California
JACOB A. APPELSMITH
Senior Assistant Attorney General
ALICIA M. B. FOWLER
Supervising Deputy Attorney General
SCOTT H. WYCKOFF
Deputy Attorney General
TAMARA MORGAN
Deputy Attorney General

By: /s/ Scott H. Wyckoff (as authorized on 1/9/09)
SCOTT H. WYCKOFF
Attorneys for Defendants RODERICK HICKMAN,
JEANNE WOODFORD, JOHN DOVEY, SCOTT
KERNAN, and MARTIN HOSHINO

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MORRISON & FOERSTER LLP
BROOKS M. BEARD
DAVID E. MELAUGH
J. RYAN GILFOIL
SARA MAHDAVI

EDWARD J. CADEN
LAW OFFICE OF EDWARD J. CADEN

By: J. Ryan Gilfoil (as authorized on 1/8/09)
J. RYAN GILFOIL
Attorneys for Plaintiff SAM BESS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 15, 2009

/s/ John A. Mendez
HON. JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE