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8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10  
 11 CARMELO ANTHONY, et al.,  
 12 Plaintiffs,  
 13 v.  
 14 LARRY HARMON, et al.,  
 15 Defendants.

CASE NO. 2:09-cv-02272-MCE-KJM

**STIPULATION AND ORDER RE:  
 DOCUMENTS PRODUCED AND  
 TESTIMONY GIVEN BY BANK OF  
 THE WEST**

**EPPORT, RICHMAN & ROBBINS, LLP**  
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1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Carmelo  
2 Anthony, Melo Enterprises, Inc. and Chosen One Properties, LLC (collectively,  
3 “Plaintiffs”); Defendants Larry W. Harmon, Frank Castillo, Larry Harmon & Associates,  
4 P.A., Harmon-Castillo, LLP and Vitalis Partners, LLC (collectively, “Defendants”); and  
5 Non-Party Deponent Bank of the West, by and through their counsel of record, as follows:

6 **RECITALS**

7 A. On or about March 11, 2010, Plaintiffs served Bank of the West with a  
8 Subpoena to Produce Documents in a Civil Action (“Production Subpoena”) in the above-  
9 captioned action. Defendants objected to the Production Subpoena and filed a Motion to  
10 Quash Subpoenas. On April 14, 2010, the Court heard Defendants’ Motion. At the  
11 hearing, the Court denied the Motion and ordered that all documents subpoenaed from  
12 Bank of the West shall be produced for attorneys’ eyes only pursuant to the terms of the  
13 Stipulated Protective Order entered by the Court on February 1, 2010.

14 B. On or about November 24, 2010, Plaintiffs served Bank of the West with a  
15 Subpoena to Testify at a Deposition in a Civil Action and a Notice of Deposition  
16 (“Deposition Subpoena”). In addition to the thirty-two document requests that were the  
17 subject of the Production Subpoena, the Deposition Subpoena contains an additional  
18 document request.

19 C. Bank of the West accepted service of the Deposition Subpoena, through its  
20 counsel, on November 30, 2010. The deposition of Bank of the West’s Person Most  
21 Knowledgeable is currently set for December 21, 2010.

22 D. In order to ensure that the Court’s Order dated April 21, 2010 and the  
23 Stipulated Protective Order apply to all documents produced and testimony given by Bank  
24 of the West pursuant to the Deposition Subpoena, Bank of the West has requested that  
25 Plaintiffs and Defendants enter into this Stipulation.

26 Wherefore, the parties agree and stipulate as follows:  
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**STIPULATION**

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2 1. The Court’s Order dated April 21, 2010 and the Stipulated Protective Order  
3 shall govern the handling of all documents, materials, and information to be produced by  
4 Bank of the West pursuant to the Deposition Subpoena.

5 2. At the deposition of Bank of the West’s Person Most Knowledgeable, any of  
6 the parties may designate portions of the deponent’s testimony as confidential and/or  
7 attorneys’ eyes only pursuant to the terms of the Stipulated Protective Order.

8  
9 DATED: December 14, 2010 ROBERT W. HIRSH & ASSOCIATES  
10 ROBERT W. HIRSH

11 WEINTRAUB GENSHLEA CHEDIAK  
12 CHARLES L. POST

13 By: /s/ Robert W. Hirsh (as authorized on 12/14/2010)  
14 ROBERT W. HIRSH  
15 Attorneys for Plaintiffs CARMELO ANTHONY,  
16 MELO ENTERPRISES, INC., and CHOSEN ONE  
PROPERTIES, LLC

17 DATED: December 14, 2010 BANKS & WATSON

18  
19 By: /s/ James J. Banks (as authorized on 12/14/2010)  
20 JAMES J. BANKS  
21 Attorneys for Defendants LARRY W. HARMON,  
22 FRANK CASTILLO, LARRY HARMON &  
ASSOCIATES, P.A., HARMON-CASTILLO, LLP and  
VITALIS PARTNERS, LLC

23 DATED: December 14, 2010 EPPORT, RICHMAN & ROBBINS, LLP

24  
25 By: /s/ Aron P. Hochhauser  
26 ARON P. HOCHHAUSER  
27 Attorneys for Non-Party Deponent BANK OF THE  
WEST

28 **[Order on Page 3]**

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**ORDER**

Upon review of the Stipulation and good cause appearing therefor,

**IT SO ORDERED.**

DATED: December 15, 2010.

  
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U.S. MAGISTRATE JUDGE