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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL BAKER,
Plaintiff,
v.
WARDEN PEREZ, Et al.,
Defendants.

No. 2:09-cv-2757 MCE KJN P

ORDER

On June 18, 2015, the undersigned presided over a settlement conference in this action which resulted in a settlement of all remaining claims. The essential terms of that settlement agreement were placed on the record in open court.

During the settlement conference the court was advised that the trial of this action had been set to commence on January 12, 2015. However, that trial date was vacated on the eve of trial. Plaintiff advised the court that in connection with that anticipated trial date his mother, on his behalf, had forwarded to the U.S. Marshal the required witness fees and travel expenses in the form of money orders to be served with five trial subpoenas issued on his behalf. (See ECF Nos. 198-1 and 199.) According to plaintiff, when his trial subpoena issued to a Dr. Harrison was quashed by court order prior to the scheduled trial, his mother received back the witness fee and travel expenses in connection with that subpoena. However, with respect to subpoenas issued to Dr. J. Nepomuceno, R.N. John Clark, SPT L. St. Laurent and one other current or former

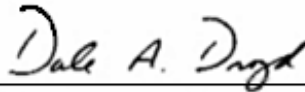
1 employee at High Desert State Prison, plaintiff had assumed that the witness fees and travel
2 expenses were retained due to the anticipated re-scheduling of the trial date.

3 Now that the case has settled, there will be no trial and the four witnesses previously
4 subpoenaed by plaintiff will not be required to travel or appear to testify at trial. Accordingly, the
5 undersigned requests that the California Department of Corrections and Rehabilitation and the
6 California Attorney General's Office make inquiry as to whether all or part of the witness fees
7 and travel expenses advanced by plaintiff's mother in connection with those trial subpoenas may
8 be refunded to her.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The offices referred to above make the requested inquiry and report the results of that
11 inquiry to the court.
- 12 2. The Clerk of the Court is directed to serve a copy of this order on Monica Anderson,
13 Supervising Deputy Attorney General at the California Attorney General's Office.

14 Dated: June 24, 2015

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17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

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