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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN A. O'BRIEN,  
Petitioner,  
v.  
LELAND McEWEN,  
Respondent.

No. 2:10-cv-2472 MCE CKD P

ORDER

This matter came on calendar today for a status conference regarding evidentiary issues on remand. Counsel David Nickerson and Scott Tedmon appeared on behalf of petitioner, and Max Feinstat and Tami Krenzin appeared on behalf of respondent. The court discussed with counsel the scope of the evidentiary hearing on eight ineffective assistance sub-claims brought by petitioner and remanded for hearing by the Ninth Circuit Court of Appeals. (See ECF No. 43.) At the close of the conference, the court directed counsel to meet and confer as to witnesses, exhibits, and stipulations, and to report to the court within ninety days, after which a hearing date will be set.

Accordingly, IT IS HEREBY ORDERED THAT:

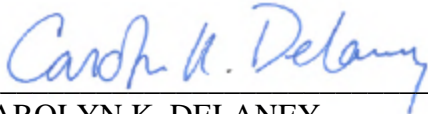
1. No later than July 1, 2016, the parties shall file a Joint Status Report, no more than five pages in length, on the evidence to be presented at the evidentiary hearing and any related matters.

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2. Prior to filing any discovery motions, the parties shall utilize the court's informal procedure for resolving discovery disputes.

3. As to the case file of petitioner's trial counsel, James Clark, attorney-client privilege is waived with respect to petitioner's ineffective assistance claims in this matter, such that Clark may turn over the file and discuss its contents.

Dated: March 30, 2016

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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