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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 **DIONNE SMITH-DOWNS and JAMES**
12 **E. RIVERA, SR., both individually and**
13 **as Successors-In-Interest to the Estate of**
JAMES E. RIVERA, Jr.,

14 **Plaintiffs,**

15 **vs.**

16 **Police Officer ERIC**
17 **AZARVAND; Police Officer GREGORY**
DUNN; Deputy Sheriff JOHN NESBITT,

18 **Defendants.**
19

) **No. 2:10-CV-02495-MCE-CKD**

)
) **STIPULATION AND PROPOSED ORDER**
) **TO TAKE THE DEPOSITION OF**
) **PLAINTIFF JAMES E. RIVERA, SR., AN**
) **INMATE AT CALIFORNIA STATE**
) **PRISON, SOLANO**

20 ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREBY STIPULATE TO THE
21 FOLLOWING:
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- 23 1. All parties agree that plaintiff JAMES E. RIVERA, SR.'s deposition in this matter will be
24 held at the California State Prison, Solano on **August 23, 2016 at 9:00 a.m.** This date
25 and time has been approved by California State Prison, Solano Litigation Coordinator
26 Monica Romero. This stipulation serves as adequate notice to all parties.
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2. In the event that JAMES E. RIVERA, SR. is not made available by the California State Prison, Solano for the full seven (7) hours allowed by Fed. Rules Civ. Proc., rule 30(d), all parties agree to continue the deposition on a subsequent date that is consented to by the prison and all parties.

DATE: August 3, 2016

MAYALL HURLEY, P.C.

/s/ Mark E. Berry

By _____

MARK E. BERRY, ESQ.
Attorney for JOHN NESBITT

DATE: August 3, 201

ANGELO, KILDAY & KILDUFF, LLP

/s/ Sean O'Dowd

By _____

SEAN O'DOWD, ESQ.
Attorney for ERIC AZARVAND and GREGORY DUNN

DATE: August 3, 2016

LAW OFFICES OF JOHN L. BURRIS

/s/ Benjamin Nisenbaum

By _____

BENJAMIN NISENBAUM, ESQ.
Attorney for DIONNE SMITH-DOWNS and JAMES E. RIVERA, SR.

ORDER

This Court, HEREBY ORDERS:

JOHN NESBITT has this Court's Leave to take the deposition of inmate JAMES E. RIVERA, SR. at the California State Prison, Solano on August 23, 2016 at 9:00 a.m.

California State Prison, Solano shall produce and make available JAMES E. RIVERA, SR. for deposition on August 23, 2016 at 9:00 a.m.

In the event that JAMES E. RIVERA, SR. is not made available by the California State Prison, Solano for the full seven (7) hours allowed by Fed. Rules Civ. Proc., rule 30(d), California State Prison, Solano shall produce and make available JAMES E. RIVERA, SR. on a subsequent date that will minimize disruptions to the orderly operations of the facility.

JOHN NESBITT shall coordinate the deposition with the California State Prison, Solano so that the taking of JAMES E. RIVERA, SR.'s deposition shall be set for a time and place that will minimize disruptions to the orderly operations of the facility.

IT IS SO ORDERED.

Dated: August 5, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE