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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AT&T MOBILITY LLC,

Plaintiff,

v.

GENERAL CHARLES E. "CHUCK"
YEAGER (RET.), et al.,

Defendants.

No. 2:13-cv-0007-KJM-DAD

ORDER

By previous order, the court set a hearing for Tuesday, August 25, 2015, at 10:00 a.m. and ordered General Yeager to appear and answer the court's questions regarding his competence to proceed further without representation. Order Aug. 11, 2015, at 6, ECF No. 205. The court also ordered General Yeager to submit evidence of his competency for the court's *in camera* review by August 21, 2015. *Id.* The Yeagers submitted some documents on that date, including information from a physician who apparently has played a role in General Yeager's medical treatment. *See* Objections and Resp. 6, ECF No. 214.

On August 20, 2015, the court denied without prejudice General and Victoria Yeager's *ex parte* application to continue that hearing and filing deadline. ECF No. 208. The Yeagers have since filed a renewed application, citing scheduled medical appointments and the need to collect more evidence of the General's competency; the renewed request is verified but

1 sparse, without supporting documentation. ECF No. 212. The Yeagers have also requested the
2 hearing be continued to no earlier than September 14, 2015, or taken off calendar entirely,
3 reporting (1) General Yeager consents to a limited conditional appointment of a guardian ad
4 litem, and (2) “General Yeager has assigned his rights in this case and the underlying rights to
5 both Victoria Yeager and himself in joint ownership with right of survival.” ECF No. 214.

6 In consideration of these filings and in camera submissions, the court orders as
7 follows:

8 (1) The hearing set for August 25, 2015, at 10:00 a.m. is RESET for **September 14,**
9 **2015, at 1:30 p.m.** The parties should consider this a firm date not subject to
10 change. General Yeager shall appear, prepared to provide testimony in response to
11 the court’s questions about his ability to proceed further without counsel in this
12 case.

13 (2) Parsons Behle & Latimer may appear at the September 14, 2015 hearing by
14 telephone. *See* ECF Nos. 206, 209.

15 (3) General and Mrs. Yeager shall arrange to have Colonel Matthew P. Wonnacott,
16 M.D. appear at the hearing on September 14, 2015 to give testimony about
17 General Yeager’s ability to proceed without representation in this case. General
18 Yeager and Mrs. shall immediately serve this order on Colonel Wonnacott and file
19 proof of such service on the court’s docket.

20 (4) No later than **August 31, 2015**, General and Mrs. Yeager shall submit the
21 following for the court’s in camera review, without filing on the court’s docket:

22 (a) Medical records documenting General Yeager’s hearing loss, accompanied by
23 affidavit(s) of treating physician(s) describing that hearing loss and its likely
24 effects on General Yeager’s ability to represent himself in this case;

25 (b) Other medical records, including but not limited from Colonel Wonnacott, that
26 address directly or indirectly General Yeager’s competence; and

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(c) The assignment of rights described in paragraph sixteen of the declaration of
Victoria Yeager, filed August 24, 2015, ECF No. 214-1.

IT IS SO ORDERED.

DATED: August 24, 2015.


UNITED STATES DISTRICT JUDGE