

1 LONGYEAR, O’DEA & LAVRA, LLP  
 2 Van Longyear, CSB No. 84189  
 3 Peter C. Zilaff, CSB No. 272658  
 4 3620 American River Drive, Suite 230  
 5 Sacramento, CA 95864  
 6 Phone: (916) 974-8500  
 7 Facsimile: (916) 974-8510

8 Attorneys for Defendants COUNTY OF SACRAMENTO,  
 9 SHERIFF SCOTT JONES, AND DEPUTY DAVID McENTIRE

10 **UNITED STATES DISTRICT COURT**  
 11 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

12 Estate of JOHNATHAN ROSE, deceased, by )  
 13 and through his parents THEODORE )  
 14 MILTON ROSE and KAREN ROSE, as )  
 15 successors in interest; THEODORE MILTON )  
 16 ROSE, Individually; and KAREN ROSE, )  
 17 Individually, )

18 **Plaintiffs,** )

19 **vs.** )

20 COUNTY OF SACRAMENTO; Sacramento )  
 21 County Sheriff SCOTT JONES; Sacramento )  
 22 County Sheriff’s Department Deputy DAVID )  
 23 McENTIRE (Badge #1356); and DOES 1 )  
 24 through 10, inclusive, )

25 **Defendants.** )

Case No. 2:13-cv-01339 TLN EFB

**STIPULATION REGARDING THE  
 FOUNDATION OF EXHIBITS AND  
 ORDER**

Trial Date: September 18, 2017  
 Time: 9:00 a.m.  
 Ctrm: 2  
 Judge: Hon. Troy L. Nunley

26 Plaintiffs, Estate of Johnathan Rose, by and through his parents Theodore Milton Rose  
 27 and Karen Rose, as successors in interest, Theodore Milton Rose, individually, and Karen Rose,  
 28 individually, are represented by Stewart Katz of the Law Office of Stewart Katz, Moseley C.  
 Collins, III of the Law Office of Moseley C. Collins, III and Dale K Galipo of the Law Office of  
 Dale K. Galipo. Defendants County of Sacramento and David McEntire (“Defendants”) are  
 represented by Van Longyear and Peter Zilaff of Longyear, O’Dea & Lavra, LLP.

///  
 ///  
 ///

1 For the purposes of reducing trial testimony, the parties through their respective attorneys  
2 stipulate to the foundation, although not the admissibility, of the following documents. The  
3 parties reserve all other objections to the evidence.

4 1. Each of the photographs included in the parties' trial exhibits lists depicting and  
5 described as the Plaintiffs' house exterior, interior and surrounding street, marked by bates  
6 stamps CO\_000306-CO000891, were taken by Sacramento Sheriff's Department Crime Scene  
7 Investigators on the night of January 17 and morning of January 18, 2012 and accurately depict  
8 the scene inside and surrounding the Plaintiffs' house as it appeared at that time.

9 2. The videos included in Defendants' trial exhibit list depicting and described as the  
10 Rose home interior and exterior, marked by bates stamps CO\_001037-CO\_001038, were  
11 recorded by Sacramento Sheriff's Department Crime Scene Investigators on the night of January  
12 17 and morning of January 18, 2012 and accurately depict the scene inside and surrounding the  
13 Plaintiffs' house as it appeared at that time.

14 3. Each of the photographs included in the parties' trial exhibits lists depicting and  
15 described as the photographs of Deputy David McEntire, marked by bates stamps CO\_000279 –  
16 CO\_000305, were taken by Sacramento Sheriff's Department Crime Scene Investigators the  
17 night of January 17, 2012 and accurately depict Deputy McEntire as he appeared at that time.

18 4. Each of the photographs included in the parties' trial exhibits lists depicting and  
19 described as the photographs of Deputy David McEntire, marked by bates stamps CO\_000715 –  
20 CO\_000748, were taken by Sacramento Sheriff's Department Crime Scene Investigators the  
21 early morning of January 18, 2012 and accurately depict Deputy McEntire as he appeared at that  
22 time.

23 5. Each of the photographs included in the parties' trial exhibits lists depicting and  
24 described as the photographs of Deputy David McEntire, marked by bates stamps CO\_000940-  
25 000971 and CO\_001000 – CO\_001031, were taken by Sacramento Sheriff's Department Crime  
26 Scene Investigators on January 19, 2012 and accurately depict Deputy McEntire as he appeared  
27 at that time.

28 ///

1           6.       Each of the photographs included in the parties' trial exhibits lists depicting and  
2 described as the photographs of Johnathan Rose in the Mercy San Juan Hospital operating room,  
3 marked by bates stamps CO\_000972-000987, were taken by Sacramento Sheriff's Department  
4 Crime Scene Investigators on January 17, 2012 and accurately depict Johnathan Rose as he  
5 appeared at that time.

6           7.       Each of the photographs included in the parties' trial exhibits lists depicting and  
7 described as the photographs of Johnathan Rose during his autopsy by the Sacramento County  
8 Department of Coroner, marked by bates stamps CO\_001059-001140, were taken on January 19,  
9 2012 and accurately depict Johnathan Rose as he appeared at that time.

10          8.       The photographs, listed as Plaintiffs' exhibits numbers 73 – 78, are photographs  
11 of Johnathan Rose that accurately depict him at the time taken.

12          9.       Each of the photographs included in the parties' trial exhibits lists depicting and  
13 described as the photographs of Deputy David McEntire's duty belt and contents, marked by  
14 bates stamps CO\_000892-CO\_000939 and CO\_000988-000999, were taken on January 18 and  
15 19, 2012 and accurately depict the duty belt and contents as they appeared at that time.

16          10.      The exhibit, identified by parties with bates stamps CO\_000096-97, is a diagram  
17 and corresponding legend prepared by Sacramento Sheriff's Department Crime Scene  
18 Investigators and depicts the living and dining area of the Plaintiffs' house on the night of  
19 January 17, 2012. The parties agree that the diagram is not to scale.

20          11.      The exhibit, identified by bates stamp CO\_001036, is an accurate copy of the  
21 recorded portion of the interview by Sacramento Sheriffs' Department Detective Robert Tracy of  
22 the Plaintiffs Theodore Milton Rose and Karen Rose, and their adult children Theodore and  
23 Tiffany Rose, recorded in the early morning hours of January 18, 2012.

24          12.      The exhibit, identified by bates stamp CO\_001141, is an accurate recording of  
25 Plaintiff Theodore Milton Rose's telephone call with 911 dispatchers on the night of January 17,  
26 2012. The exhibits, listed by Defendants as Exhibits "Q1" and "Q2," are audio enhanced copies  
27 of Plaintiff Theodore Milton Rose's telephone call with 911 dispatchers on the night of January  
28 17, 2012.

1           13.     The exhibits, identified by bates stamps CO\_001033 and CO\_001034 (video and  
2 audio, respectively), are accurate recordings of the statement by Deputy David McEntire  
3 provided to Sacramento Sheriff's Department Detective Brian Meux in the early morning of  
4 January 18, 2012.

5  
6 IT IS HEREBY STIPULATED:

7  
8 Dated: September 13, 2017

LONGYEAR, O'DEA & LAVRA, LLP

9  
10 By: /s/ Peter C. Zilaff

11 VAN LONGYEAR  
12 PETER C. ZILAFF  
13 Attorneys for Defendants, COUNTY OF  
14 SACRAMENTO, SHERIFF SCOTT  
15 JONES, AND DEPUTY DAVID  
16 McENTIRE

17  
18 Dated: September 13, 2017

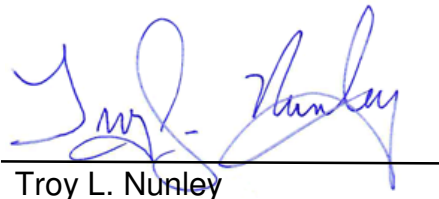
LAW OFFICES OF STEWART KATZ

19 By: /s/ Stewart Katz

20 STEWART KATZ  
21 DALE K. GALIPO  
22 MELANIE T. PARTOW  
23 MOSELEY C. COLLINS, III  
24 Attorneys for Plaintiffs

25  
26 IT IS SO ORDERED:

27 Dated: September 14, 2017

28 

Troy L. Nunley  
United States District Judge