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8 Attorney for Defendant  
9 STANDARD INSURANCE COMPANY  
10 And Non-Party Witness  
11 CHARLES XELLER MD

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

14 KATHLEEN GARCIA,  
15 Plaintiff,

16 vs.

17 STANDARD INSURANCE  
18 COMPANY, et al.

19 Defendants.

Case No.: 2:13-cv-02164-WBS-CKD

STIPULATION AND ORDER TO  
RESOLVE DISPUTE OVER  
APPEARANCE AT DEPOSITION OF  
CHARLES XELLER MD

No hearing set or required.

Before the Honorable Carolyn K.  
Delaney, Magistrate Judge

20 Plaintiff Kathleen Garcia and Defendant Standard Insurance Company  
21 (“Standard”) have resolved a discovery dispute over the date and time of  
22 appearance at deposition of non-party witness, Charles Xeller MD. To ensure that  
23 there will be no further issues with regard to the date and time of Dr. Xeller’s  
24 appearance and to eliminate and obviate the need for further service of any  
25 subpoena or deposition notice of any kind, the parties and Dr. Xeller, by and  
26 through his undersigned counsel, stipulate and respectfully request that the Court  
27 enter an order requiring Dr. Xeller to appear on January 5, 2015, for a deposition to  
28 commence at 2:30 PM on January 5, 2015, and to be held at 425 University

1 Avenue, Suite 140, Sacramento, CA 95825, which Plaintiff may videotape as well  
2 as stenographically record. The Court retains jurisdiction to make such  
3 amendments, modifications, and additions to this Order as it may deem  
4 appropriate.

5 **IT IS SO STIPULATED.**

6 Dated: December 3, 2014

7 s/ Warren H. Nelson, Jr.  
8 **WARREN H. NELSON, JR.**  
9 **A PROFESSIONAL CORPORATION**  
10 **6161 El Cajon Boulevard, # 273**  
11 **San Diego, CA 92115**

12 **Attorney for Defendant**  
13 **STANDARD INSURANCE COMPANY**  
14 **And Non-Party Witness**  
15 **CHARLES XELLER MD**

16 **IT IS SO STIPULATED.**

17 Dated: December 3, 2014

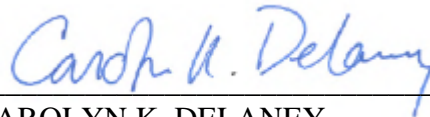
18 /s/ David Allen  
19 **David Allen**

20 **DAVID ALLEN #87193**  
21 **DANIEL LEE RAINSBURY #210193**  
22 **DAVID ALLEN & ASSOCIATES**  
23 **5230 Folsom Boulevard**  
24 **Sacramento, CA 95819**

25 **Attorneys for Plaintiff**  
26 **KATHLEEN GARCIA**

27 **IT IS SO ORDERED.**

28 **Dated: December 8, 2014**



\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE