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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
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12 HARRISON LUTHER ORR, )  
13 Individually, ) Case No. 2:14-cv-0585-WBS-EFB  
14 Plaintiff, )  
15 vs. ) **TRIAL STIPULATIONS AND**  
16 CALIFORNIA HIGHWAY PATROL, a )  
17 public entity; STATE OF CALIFORNIA, )  
18 a public entity; CALIFORNIA )  
HIGHWAY PATROL OFFICERS )  
19 BRAME, PLUMB, and DOES 1-10, )  
individually, )  
20 Defendants. )  
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1       The parties in this case, by and through their counsel of record, hereby stipulate to the  
2 following matters for trial:

- 3       1. All acts related to the investigation, arrest and custody of Plaintiff by Defendant  
4       Officers Brame and Plumb were under color of law.
- 5       2. At all material times, Defendant Officers Brame and Plumb were employed by the  
6       State of California, acting by and through Department of California Highway Patrol  
7       (CHP), and were acting within the course and scope of that employment.
- 8       3. The CHP receives grants from the United States Government in the form of federal  
9       funds.
- 10      4. Plaintiff will not require the testimony or appearance of CHP Commander Mieko  
11       Epps at trial and neither side will call her as a witness at trial.
- 12      5. The November 18, 2014 declaration of CHP Sergeant Jeffrey Carlisle and the  
13       policies to which it refers (the handcuffing procedures in Highway Patrol Manual  
14       (HPM) 70.6 (Bates No. DOJ001451-DOJ001452 [*redacted version*]) and the  
15       policies in HPM 100.69 (Annex D) (produced without Bates numbering)) shall be  
16       admissible as evidence at trial.
- 17      6. All of Plaintiff Harrison Orr's medical records subpoenaed by the parties from the  
18       Sacramento Veterans Administration Medical Center, Mercy San Juan Medical  
19       Center, Sacramento County Jail, and Sacramento Metropolitan Fire District are  
20       genuine for purposes of Fed. R. Evid. 901, are business records/Records of a  
21       Regularly Conducted Activity pursuant to Fed. R. Evid 803(6) and contain  
22       statements made for the purpose of medical treatment pursuant to Fed. R. Evid.  
23       803(4). All other objections to admissibility are reserved.
- 24      7. All records disclosed by the parties during discovery, including Rule 26 disclosures  
25       are genuine for purposes of Fed. R. Evid. 901, including, but not limited to,  
26       documents produced by Defendants pursuant to requests for production and all

1 documents produced by Plaintiff in his Rule 26 Initial Disclosure and Supplemental  
2 Disclosure. All other objections are reserved.

3 8. All video recordings of Plaintiff at the Sacramento County Jail disclosed by any  
4 party in this case, including video of Plaintiff's booking at Sacramento County Jail  
5 and incarceration in a holding cell, and all other records concerning Plaintiff from  
6 the Sacramento County Jail disclosed by any party in this case, including the  
7 recording marked as Exhibit T to Defendants' Motion for Summary  
8 Judgment/Partial Summary Judgment, are genuine for purposes of Fed. R. Evid.  
9 901 and are business records/Records of a Regularly Conducted Activity pursuant  
10 to Fed. R. Evid 803(6).

11 9. All records produced by Defendants pursuant to Plaintiff's requests for production  
12 of documents are business records/Records of a Regularly Conducted Activity  
13 pursuant to Fed. R. Evid 803(6). All other objections to admissibility are reserved.

14 SO STIPULATED.

15 Dated: May 1, 2015

HADDAD & SHERWIN LLP

16  
17 */s/ Michael J. Haddad* \_\_\_\_\_  
18 MICHAEL J. HADDAD  
19 Attorneys for Plaintiff  
HARRISON LUTHER ORR

20 Dated: May 1, 2015

KAMALA D. HARRIS  
21 Attorney General of California  
PETER A. MESHOT  
22 Supervising Deputy Attorney General

23 */s/ Stephen C. Pass\** \_\_\_\_\_  
24 STEPHEN C. PASS  
25 Deputy Attorney General  
Attorney for Defendants  
CALIFORNIA HIGHWAY PATROL, CHP  
OFFICERS BRAME and PLUMB

26 \* Mr. Pass provided his consent that this document be electronically filed.  
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## **ORDER**

Pursuant to the stipulation of the parties, IT IS SO ORDERED.

Dated: May 1, 2015

WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE