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Attorneys for Plaintiff
HARRISON LUTHER ORR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARRISON LUTHER ORR,
Individually,

Plaintiff,

vs.

CALIFORNIA HIGHWAY PATROL, a
public entity; STATE OF CALIFORNIA,
a public entity; CALIFORNIA
HIGHWAY PATROL OFFICERS
BRAME, PLUMB, and DOES 1-10,
individually,

Defendants.

Case No. 2:14-cv-0585-WBS-EFB

TRIAL STIPULATIONS AND
(PROPOSED) ORDER

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

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

SO STIPULATED.

Dated: May 1, 2015

HADDAD & SHERWIN LLP

/s/ Michael J. Haddad

MICHAEL J. HADDAD

Attorneys for Plaintiff

HARRISON LUTHER ORR

Dated: May 1, 2015

KAMALA D. HARRIS

Attorney General of California

PETER A. MESHOT

Supervising Deputy Attorney General

/s/ Stephen C. Pass*

STEPHEN C. PASS

Deputy Attorney General

Attorney for Defendants

CALIFORNIA HIGHWAY PATROL, CHP

OFFICERS BRAME and PLUMB

* Mr. Pass provided his consent that this document be electronically filed.

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Dated: May 1, 2015

2:14-cv-0585-WBS-EFB: TRIAL STIPULATIONS AND (PROPOSED) ORDER