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 9 DUANE CANTWELL, PAUL DONA, AND  
 EDWARD WEBB

11  
 12 UNITED STATES DISTRICT COURT  
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14 BREANNA COOKE, individually and as Co-  
 Successor-In-Interest for Decedent JAMES  
 15 COOKE, et al.,  
 16 Plaintiffs,  
 17 v.  
 18 JEREMY EDENS, in his individual and  
 official capacity as Police Officer of the City of  
 19 Stockton, et al.,  
 20 Defendants.

Case No. 2:14-CV-00908-KJM-KJN  
 Hon. Kimberly J. Mueller

**STIPULATION AND ORDER RE EXPERT  
 WITNESSES**

1 WHEREAS Plaintiffs disclosed Dr. Alan Barbour and Dr. B. L. Posey as non-retained  
2 experts in this case;

3 WHEREAS the parties appeared at a telephonic discovery hearing with Magistrate Judge  
4 Newman on July 11, 2017;

5 WHEREAS as a result of this discovery hearing Magistrate Judge Newman entered a  
6 minute order on July 12, 2017 (Docket Number 83) ordering that the deposition of Dr. Alan  
7 Barbour would go forward on July 21, 2017 at 10:00 am<sup>1</sup> and the deposition of Dr. B. L. Posey  
8 would go forward on July 21, 2017 at 12:00 pm;

9 WHEREAS upon further discussion between the parties, Defendants agree that Plaintiffs  
10 can rely upon the report of Dr. Barbour and Dr. Posey as relied upon by Plaintiffs other experts;

11 WHEREAS Defendants further agree to not challenge the authenticity or accuracy of the  
12 report of Dr. Barbour and Dr. Posey;

13 WHEREAS based upon these agreements, Plaintiffs agree they will not call either  
14 Dr. Barbour or Dr. Posey to testify as witnesses at trial unless Defendants first challenge the  
15 authenticity or accuracy of the report of Dr. Barbour and Dr. Posey in violation of this agreement;

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28 <sup>1</sup> The minute order actually states July 31, 2017, but this was a typo and was corrected by further  
minute order on July 13, 2017. (Docket Number 85)  
{CF/00052691. }

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THEREFORE, it is stipulated by and between all parties that the depositions of Dr. Barbour and Dr. Posey will be taken off calendar.

Dated: July 19, 2017

LAW OFFICES OF JOHN L. BURRIS

By: /s/ Ben Nisenbaum  
Ben Nisenbaum (as authorized on 7/19/17)  
Attorneys for Plaintiffs

Dated: July 19, 2017

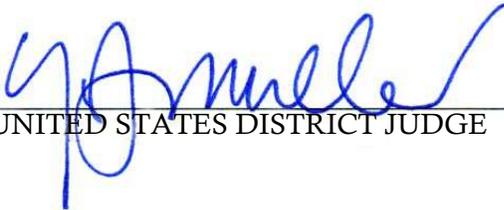
COTA COLE & HUBER LLP

By: /s/ Carolyn J. Frank  
Dennis M. Cota  
Ronald J. Scholar  
Carolyn J. Frank  
Attorneys for Defendants

**ORDER**

IT IS SO ORDERED.

DATED: August 2, 2017.

  
UNITED STATES DISTRICT JUDGE